

	ABERDEEN SCHOOL DISTRICT	NEPN Code: JFB
	POLICIES AND REGULATIONS	

OPEN ENROLLMENT

SDCL 13-28-43, provides nonresident parents and students an opportunity to apply for enrollment within the District. For the purposes of this policy, the term “resident district” means the district in which a student has legal residence as determined by SDCL 13-28-9, *School residence for free school privileges*. The term “non-resident district” means any district in which a non-resident student seeks to enroll. The term “assigned school” means the attendance center within the district to which a resident student is assigned. The term “non-assigned school” means an attendance center within a resident student’s district to which the student has not been assigned.

A. Open Enrollment Application Process

1. A student who is a legal resident of another South Dakota district seeking to transfer to the Aberdeen School District must make application to both the resident and non-resident districts on the form provided by the South Dakota Department of Education. The application must be made by the student’s parent or legal guardian.
2. Transfers from another school district into the Aberdeen School District may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If the District approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If the District approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. The deadlines for transfer do not apply if:
 - a. A student becomes a resident in a school district after the deadline in either semester; or
 - b. The District’s Superintendent determines that special circumstances exist and allows a student to transfer into the District after the deadline.
3. The application will be approved if the transfer does not result in an inability to provide a quality educational program by the District. The applicant and resident district must be notified of the decision within five days of the decision. Applications will be reviewed in the order received.
 - a. The application may be withdrawn by the applicant prior to the approval of the request via written notification to the affected school boards.
 - b. Once approved by the non-resident district, the applicant’s intent to enroll obligates the student to attend school in the receiving non-resident district or non-assigned school, unless the two boards or designee agree in writing to allow a student to return to the original district or assigned school or if the parent, guardian, or student changes residence to another district.
4. Once enrolled in a non-resident district or non-assigned school, the enrollment will continue unless a bona fide change of residence occurs or a subsequent transfer application is received.

5. A non-resident district will accept credits granted for any course successfully completed in another accredited district. The non-resident district may award a diploma to a non-resident only if the student satisfactorily meets the non-resident district's graduation requirements.
6. Transportation of non-resident students to school in the receiving district is the responsibility of the applicant without reimbursement.
7. If two or more nonresident students from the same family, residing in the same household, request open enrollment into the District, all applications from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. However, if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment.
8. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed.
9. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

B. Criteria for Making Open Enrollment Determinations (SDCL 13-28-44)

Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may be greater than the capacity listed below because of students residing within the school district and school attendance center area.

- Kindergarten through grades two: The student to teacher ratio shall not exceed twenty-three students in each grade as a result of open enrollment.
- Grades three through five: The student to teacher ratio shall not exceed twenty-six students in each grade as a result of open enrollment.
- Grade six through grade twelve: Enrollment may not exceed attendance center building capacity.
- An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
- Open enrollment of a special education student will not be approved if the student cannot be accommodated at current staffing levels or the program is at capacity.

C. Open Enrollment of Special Education Students (SDCL 13-28-42.1)

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the Aberdeen School District special education administration determines that the District can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs. If the request to transfer is granted, the Aberdeen School District is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the Aberdeen School District shall provide or ensure the provision of transportation within the boundaries of the attendance center which the student is assigned.

2. If the Aberdeen School District special education administration is not able to confirm the provision of an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District must initiate an individual education program team meeting consisting of representatives from the resident district and the Aberdeen School District to determine whether the Aberdeen School District can provide an appropriate instructional program, facilities, and transportation if necessary.
3. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to SDCL 13-28-44, *Standards for acceptance or rejection of application to enroll*, or if an individual education program team consisting of representatives from the resident and nonresident districts determine that the nonresident district cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
4. If a parent or guardian of a student in need of special education or special education and related services requests to transfer the student back to the resident district, provisions of SDCL 13-28-43, *Enrollment of student in other than resident district or transfer with district*, apply.
5. If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for the special education student(s), the applications shall be approved subject to consideration of the Criteria for Making Open Enrollment Determinations (Section B). However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the individual special education student(s).
6. If it is determined that a parent or guardian of a student, or an emancipated student, in need of special education or special education and related services submitted a request for an open enrollment transfer but did not indicate that the student needs special education services on the application, the open enrollment transfer will be void and the process of consideration of the open enrollment transfer request will be conducted as outlined in this policy, to determine if the student's open enrollment request can be approved.

LEGAL REFERENCES:

SDCL 13-28-9 School residence for free school privileges--Change of residence during school year

SDCL 13-28-40 Enrollment options program established

SDCL 13-28-41 Request for transfer--Request for admission of nonresident child excused from attending in another district

SDCL 13-28-41.1 School district not required to provide transportation to student transferred within district

SDCL 13-28-42.1 Transfer of special education students--Nonresident district's responsibilities

SDCL 13-28-43 Enrollment of student in other than resident district or transfer within district--Approval and notification

SDCL 13-28-44 Standards for acceptance or rejection of application to enroll

SDCL 13-28-45 Transportation of transfer student

SDCL 13-28-46 Transfer credits

SDCL 13-28-47 Disclosure

SDCL 13-28-48 Nonresident district must serve student's grade level within district

SDCL 13-32-4.3 Effect of student's suspension or expulsion on enrollment

POLICY REFERENCE: NEPN Policy IIB, IIB-R Class Size

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