

OPEN ENROLLMENT

The School Board believes in providing parents and students the opportunity to choose the school environment that best meets the need of the individual student. The Brandon Valley School District will accept students from other districts wishing to enroll provided the District can provide a quality educational program as provided below. However, the Board also recognizes that certain restrictions may need to be enforced to preserve educational opportunities for students.

Students will be assigned to district schools in accordance with provisions set forth in South Dakota Codified Law, Department of Education Administrative Rule and school board policy. The superintendent may submit to the board additional regulations to address assignment of students to schools according to the residence of a student's parent or legal guardian, transfers resulting from change of residence, and open enrollment.

DEFINITIONS

For the purposes of this policy:

1. "Resident district" means the district in which a student has legal residence as determined by South Dakota Law.
2. "Non-resident district" means any district in which a non-resident student seeks to enroll.
3. "Assigned school" means the attendance center within the district to which a resident student is assigned.
4. "Non-assigned school" means an attendance center within a resident student's district to which the student has not been assigned.
5. "Emancipated student" means a student under the age of 18 who (1) has entered into a valid marriage, (2) is on active military duty, or (3) who has obtained a court order declaring the student emancipated.

GENERAL PRINCIPLES

The following principles apply to all open enrollment requests, including requests to transfer to another school within the district.

1. A student who is a legal resident of another South Dakota school district seeking to transfer to the District must make application on forms provided by the Department of Education. The application must be made by an unemancipated student's parent or guardian or by the emancipated student.
2. The application to transfer from a non-resident district will be approved or disapproved by the school board. 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.

3. Any application to transfer from a non-resident district may be withdrawn by the applicant prior to the approval of the request and upon notification of the district to which the student applied.
4. Transfer from a non-resident district must be prior to the last Friday in September for the first semester, and must be prior to the last Friday in January for the second semester. Approval for transfer after these dates will take effect at the beginning of the subsequent semester. These deadlines do not apply if any of the following circumstances exist.
 - a) The transfer is to an alternative school or a specialized nonpublic educational program.
 - b) A student becomes a resident of the district.
 - c) The Board determines that special circumstances exist. When determining special circumstances school boards should consider avoiding a substantial disruption of the child's education.
5. 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 for the next school year unless the parent, guardian, or student changes residence to another district, or unless the affected school board or boards agree in writing to allow the student to return to the resident district or assigned school. Students may continue enrollment for subsequent years without reapplication.
6. 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. If, upon review of an application and the student's transcript, it appears that the student seeking transfer could not satisfy graduation requirements in the non-resident district in the same time frame as the student's peers, the applicant should be notified that additional school attendance will be required in order to receive a diploma.
7. Minnesota border school transfers will be approved in accordance with the inter-state border school agreement negotiated between the State of South Dakota and the State of Minnesota. (The ASBSD policy does not make it clear that there are different rules that apply in these state-to-state open enrollments.)

RESIDENT DISTRICT TRANSFER (IN-DISTRICT TRANSFER)

Applications to move to a non-assigned school can be accepted and acted upon by the board at any time; however, decisions regarding transfers among attendance centers within a district will be based upon procedures consistent with resident/non-resident transfers.

SPECIAL EDUCATION STUDENTS

Both state and federal law require that the resident district be responsible for providing a free and appropriate public education for students in need of special education and related services. All applications for transfer of a special education student will first be considered by a

placement committee, and the placement committee will include representatives of both the resident and non-resident districts. In addition, the following considerations will apply:

1. An individualized education program team consisting of representatives from both the resident and nonresident districts will determine if the nonresident district can provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
2. If the request to transfer is granted, the nonresident 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.
3. The individualized education program team shall also determine whether the student in need of special education requires transportation as a related service. If so, the nonresident district shall provide or ensure the provision of transportation within the boundaries of the attendance center to which the student is assigned.
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, the individualized education program team shall consider the request.
5. If it is determined that a parent or guardian of a 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 for 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.

CRITERIA FOR MAKING TRANSFER DETERMINATIONS

To ensure that the transfer of students does not result in an inability to provide a quality educational program for all students, the superintendent shall develop and implement regulations establishing the criteria the district will use in evaluating transfer requests, including any criteria that may be used to deny a request. The criteria may include, but is not limited to:

1. The establishment of average student-to-teacher ratios that must be maintained at various grade levels;
2. The establishment of a maximum capacity that must be maintained for any educational program; and
3. The establishment of a maximum capacity that must be maintained for any school building;

Criteria for making transfer determinations will be provided to any individual requesting the information. Discrimination based upon race, gender, religious affiliation, or disability is prohibited. All members of the same family residing in the same household will be treated the same.

