

MARION SCHOOL DISTRICT 60-3	NEPN Code: JECB
STUDENT POLICIES	

Open Enrollment Policy

ADMISSION OF NONRESIDENT STUDENTS

Assignment of Students to Schools and Open Enrollment:

It is the policy of the Marion School District to assign students to a particular school according to South Dakota Codified Law, Division of Education Regulations, and School Board Policy. The School Board directs the Superintendent to implement regulations that address assignment of students to schools.

Open Enrollment:

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student who wishes to enroll the student in the Marion School District must complete an application for open enrollment.

All applications for open enrollment must be submitted to the Superintendent on the official application form provided by the South Dakota Department of Education (Open Enrollment Application).

Open Enrollment Applications will be acted upon in the order they are received. Decisions to accept or reject open enrollment requests will be based on the criteria in the "Open Enrollment Application Standards" section of this regulation.

The applicant and the resident school board, if applicable, will be notified within five days of the decision.

Transfers for approved applications 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. For applications approved after the deadline in the first semester, the transfer will occur at the start of the second semester. For applications approved after the deadline in the second semester, the transfer will occur at the start of the following school year. These deadlines for transfer do not apply if (1) a student seeking to transfer to an alternative school or a specialized nonpublic educational program; (2) a student enrolls in the Marion School District after the deadline in either semester or (3) the Superintendent determines that special circumstances exist and allows a student to transfer after the deadline.

Withdrawal of Open Enrollment Application Before Approval:

An application may be withdrawn by the applicant prior to approval and upon written notification to the Superintendent.

Withdrawal of Open Enrollment Application After Approval:

Once approved by the District, the approved application serves as the applicant's notice of intent to enroll in the Marion School District and obligates the student to attend the assigned school during the school year, unless:

1. The School Board or the Board's designee agree in writing to allow the student to transfer back to the resident district; or
2. The parent, legal guardian, or emancipated student changes residence to another school district.

Open Enrollment Application Standards:

The following standards will be used to accept or reject applications for open enrollment in the Marion School District.

1. Open Enrollment Applications will be approved on a space available basis at the time the request is considered.
2. Class size, program capacity, and building capacity restrictions are necessary in order to allow room in schools for students who may move into the attendance area. The approval of an Open Enrollment Application is subject to the criteria listed below.

- a. *Student to Teacher Ratio.* The ratios listed for grade level student to teacher ratios are for Open Enrollment Application purposes only. Actual class sizes may be above these ratios because of students living in the assigned school attendance area.
 - Kindergarten through grades five: The average student to teacher ratio shall not exceed 20 students in a grade level as a result of open enrollment.
 - Grade six through grade eight: The average student to teacher ratio for core classes may not exceed 20 students as a result of open enrollment.
 - Grade nine through grade twelve: Acceptance is based on the school's ability to provide a schedule that meets the individual student's specific course needs.
 - b. *Building and/or Program Capacity.* An open enrollment transfer may not cause a building or program to exceed capacity.
 - Building capacity for the purpose of making open enrollment decisions is determined by multiplying the ratio equal to .5 of a student less than the unrestricted general fund budgeted staffing ratio for the year multiplied by the number of classrooms in a building.
 - Program capacity is based on the type of program.
 - Special education and self-contained specialized behavior programs will be closed to open enrollment when enrollment is at 80% of capacity.
 - Special Education resource and related service programs will be closed to open enrollment if students cannot be accommodated at current staffing levels or the building is at capacity.
3. Out of District: If two or more students from the same family residing in the same household request open enrollment into the Marion School District, all requests must either be approved or denied. No denial of an application may result in children from the same household enrolling in different school districts.
 4. Any student under long term suspension or expulsion will not be allowed to seek open enrollment until the suspension or expulsion is completed.
 5. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities due to open enrollment.

The decision regarding a student's application for open enrollment or a request to return to the resident district is subject to appeal in circuit court.

Open Enrollment of Special Education Students:

An Open Enrollment Application for 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 District's special education staff and administration determines that the District can provide an appropriate instructional program and facilities, including required transportation, if necessary, to meet the student's needs.

If the request to transfer is granted, the 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 District shall provide or ensure the provision of transportation within the boundaries of the attendance center to which the student is assigned through open enrollment.

If the District special education staff and administration is not able to confirm the provision of an appropriate instructional program, facilities, and required 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 IEP team meeting consisting of representatives from the District and the resident district to determine whether the District can provide an appropriate instructional program, facilities, and required transportation, if necessary.

A request to transfer a student in need of special education or special education and related services may be denied if an IEP team consisting of representatives from the District and resident district determines that the District cannot provide an appropriate instructional program and facilities, including required transportation,

if necessary, to meet the student's needs. A request may be denied based upon capacity of the building, class or program as set forth above.

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 outlined in the "Withdrawal of Open Enrollment" section of this regulation apply.

If it is determined that a parent or guardian of a student in need of special education or special education and related services submitted an Open Enrollment Application but did not indicate on the application that the student requires special education services, the Open Enrollment Application will be considered void and a new Open Enrollment Application must be completed and will be processed as outlined in this regulation.

Submitting/Resubmitting an Open Enrollment Application:

An Open Enrollment Application must be submitted for the succeeding school year when a parent/guardian moves outside of the District K-12 boundaries after the first 30 days of a school term or anytime a student is enrolled student in another school District as a result of a change of address.

Legal References: SDCL 13-13-10.1;
SDCL 13-15-8.1; 13-15-9; 13-15-11; 13-15-21; 13-15-21.1; 13-15-23; 13-15-24;
SDCL 13-28-9; 13-28-10; 13-28-11; 13-28-19; 13-28-19.1; 13-28-21; 13-28-22; 13-
28-23; 13-28-30; 13-28-34; 13-28-40; 13-28-41; 13-28-41.1; 13-28-42.1
13-28-43; 13-28-44; 13-28-45; 13-28-46; 13-28-47;
SDCL 13-32-4.3; 13-32-9;
SDCL 13-46

Formerly: S-33

Amended: November 12, 2012