

| | |
|---|-----------------------|
| MARION SCHOOL DISTRICT 60-3 | NEPN Code: JFB |
| STUDENT POLICIES & REGULATIONS | |

OPEN ENROLLMENT

This policy is enacted to fairly allow admission and assignment of both resident and non-resident students in the Marion School District No. 60-3. For the purpose of this policy, the term “resident district” means the district in which a student has legal residence as determined by SDCL 13-28-9. The term “non-resident district” 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.

The School Board will accept all students from other districts wishing to enroll, provided the Marion School District’s facilities can accommodate the students without adversely affecting the quality of the educational program. The determination is subject to the following conditions:

A. General Principles

1. A student who is a legal resident of another South Dakota district seeking transfer to the Marion School District must make application to both the resident and non-resident districts. The application must be on the form provided by the Department of Education. The application must be made by the student’s parents or legal guardian.
2. The application will be approved if the transfer does not result in an inability to provide a quality educational program or disapproved by the Marion School Board. The applicant and resident district must be notified of the decision within five (5) days of the decision. Applications will be reviewed in the order they are received.
 - a. The application may be withdrawn by the applicant via written notification to the affected School Boards.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 for the next school year, unless the two boards 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.

- c. Once enrolled in a non-resident district, the enrollment will continue unless bona fide change of residence occurs or a subsequent transfer application is received.
- d. 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.

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

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 Marion School District special education administration determines that the District can provide an appropriate instructional program and facilities, including transportation, to meet the student's needs. If the request to transfer is granted, the Marion School District is responsible for the provision of a free appropriate public education for the student in need of special education or special education related services. If the student requires transportation as a related service, the Marion School District shall provide or ensure the provision of transportation within the boundaries of the Marion School District.

If the Marion 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 and individual education program team meeting consisting of representatives from the resident district in the Marion School District to determine whether the Marion School District can provide an appropriate instructional program, facilities, and transportation, to meet the student's needs.

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 or if an individual education program team consisting of representatives from the resident and non-resident districts determine that the non-resident district cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.

If a parent or guardian of a student in need of special education or special education and related services requests to transfer back to the resident district, provisions of SDCL 13-28-43 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 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.

C. Criteria for Making Transfer Determinations (SDCL 13-28-44)

The District adopted standards will be available to any individual so requesting.

1. Discrimination based upon race, color, creed, gender, religious affiliation, disability, national origin or ancestry is prohibited.
2. All members of the same family residing in the same household will be treated the same.
3. The School Board may deny applications for any of the following reasons:
 - a. The District standards established pursuant to SDCL 13-28-44 are violated;
 - b. The applicant is under suspension or expulsion;
 - c. The applicant has been convicted of possession or distribution of any controlled substance, including marijuana and is under suspension pursuant to SDCL 13-32-43;
 - d. The applicant has been convicted of a weapons charge relating to the schools and is under suspension pursuant to SDCL 13-32-43.

D. Miscellaneous Provisions

1. The District will make relevant information about the district, schools, programs, policies, and procedures available to all interested people.
2. Appeals from Board action under the 1997 Open Enrollment Act may be made pursuant to Ch. 13-46

LEGAL REFERENCE: SDCL 13-28-9, SDCL 13-28-40 through 13-28-47; **SOURCE:** SL 2000, ch 84; SL 2004, ch 130.

1st Read: November 14, 2011
2nd Read: December 12, 2011
Approved: December 12, 2011