

AN ACT

ENTITLED, An Act to revise certain provisions relating to statewide open enrollment of students in public school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-28-42 be amended to read as follows:

13-28-42. The resident district is responsible for the provision of a free appropriate public education for students in need of special education or special education and related services. Notwithstanding the provisions of § 13-28-44, a request to transfer a student in need of special education or special education and related services may be granted only if, through the placement committee process, the resident and nonresident districts determine that the nonresident district can provide an appropriate instructional program and facilities to meet the student's needs. The resident district shall reimburse the nonresident district actual costs incurred in providing an appropriate special education for a student in need of special education and related services. Notwithstanding the provisions of § 13-28-45, the placement committee, including representatives of the resident and nonresident districts, shall determine whether a student in need of special education requires transportation as a related service. If so, the resident district shall provide or ensure the provision of transportation.

If a parent or guardian of a student in need of special education or special education and related services wishes to transfer the student back to the resident district, the request shall be considered by the placement committee. The committee must include representatives of the resident and nonresident districts.

Section 2. That § 13-28-43 be amended to read as follows:

13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47, inclusive, in a South Dakota school district other than the resident district or in a school within the

resident district other than the school to which the student has been assigned shall, not later than February first of the school year preceding the year of enrollment, apply on forms provided by the Department of Education and Cultural Affairs.

By March first, the school board of the district in which the student desires to enroll shall approve or disapprove the application. The board shall notify the applicant and the resident board, if applicable, of its decision within five days of the decision. The district in which the student desires to enroll shall review the applications in the order received.

However, intradistrict transfer applications may be accepted and acted upon at any time at the board's discretion if the policies on which the transfer decisions are based are consistent with the other requirements of §§ 13-28-40 to 13-28-47, inclusive.

An application may be withdrawn by the applicant any time before March first upon notification of the district to which the student applied. Once approved by the district in which the student wishes to enroll, the approved application serves as the applicant's notice of intent to enroll in the nonresident district or desired school during the next school year and obligates the student to attend school in the nonresident district or desired school during the next school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

If a student's parents, or an emancipated student, move from a resident district into another district after February first, the parents or emancipated student may apply for enrollment in a nonresident district or in a nonassigned school under provisions of §§ 13-28-40 to 13-28-47, inclusive. In such a case, the school boards of both the new resident district and the nonresident district shall waive the application and approval dates outlined in §§ 13-28-40 to 13-28-47, inclusive, and the affected board shall review the application in a timely manner as outlined above. The applicant and the resident board shall be informed of the board's decision within five days of the board's action on the application. Once enrolled in a nonresident district or nonassigned school, the student may

remain enrolled and is not required to resubmit annual applications.

Section 3. That § 13-28-45 be amended to read as follows:

13-28-45. The parent or guardian of a student who has been accepted for transfer is responsible for transporting the student to school in the receiving district without reimbursement. Either the district of residence or the receiving district may provide transportation to students approved for transfer. The receiving district may charge a reasonable fee if the student elects to use the transportation services offered by the receiving district.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1024

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1024  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State