

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0337

HOUSE BILL NO. 1015

Introduced by: The Committee on Education at the request of the Department of Education
and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to open enrollment.

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

3 Section 1. That § 13-28-44 be amended to read as follows:

4 13-28-44. Each school district by November 1, 1997 shall by resolution adopt relevant
5 standards for the acceptance and rejection of an application to enroll in the district under the
6 provisions of §§ 13-28-40 to 13-28-47, inclusive. The board shall adopt standards through
7 official board action, set them forth in writing, and make them available to any individual upon
8 receiving an oral or written request. Standards ~~may define~~ shall be limited to the capacity of a
9 program, class, grade level, and school building operated by the board and the pupil/teacher
10 ratio. Discrimination based on race, gender, religious affiliation, or disability is prohibited. If two
11 or more children from a family residing in the same household must enroll in different school
12 districts as the result of a board's denial of an application to transfer from a resident district or
13 to enroll in a nonresident district under the provisions of §§ 13-28-40 to 13-28-47, inclusive,
14 neither the resident board nor the nonresident board may deny the application. The decision of
15 a local school board regarding a student's application for open enrollment or a request to return
16 to the resident district under the provisions of §§ 13-28-40 to 13-28-47, inclusive, is subject to

1 de novo appeal under the provisions of chapter 13-46. The Department of Education and
2 Cultural Affairs may promulgate rules pursuant to chapter 1-26 specifying procedural and
3 administrative requirements for the implementation of the open enrollment program and related
4 transfers and enrollments under the provisions of §§ 13-28-40 to 13-28-47, inclusive.

5 Section 2. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Notwithstanding the provisions of § 13-28-40, any student who enrolls in another school
8 district pursuant to the provisions contained in §§ 13-28-40 to 13-28-47, inclusive, in a grade
9 for which the student's resident district contracts for services pursuant to § 13-15-1.3 or 13-15-
10 11 remains the financial obligation of the resident district.

11 Section 3. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Notwithstanding any other provision of law, no student may enroll in a school district
14 pursuant to the provisions contained in §§ 13-28-40 to 13-28-47, inclusive, if that school district
15 does not serve the student's grade level within the physical boundaries of the school district.