

## **ADMISSION AND ASSIGNMENT OF STUDENTS TO SCHOOLS PROCEDURES**

The board of education has the legal authority to determine which school a student will attend. Generally, students will be required to attend school in the attendance area in which they reside, unless special permission has been granted at the discretion of the superintendent, or designee(s). The legal address will be determined by the residence of the student's parent(s) or legal guardian. A power of attorney is not sufficient to establish legal guardianship.

If it is determined that residency for purposes of attending a particular school is created at the commencement of the school year solely for the purposes of selecting a particular school and without intent to reside at that address for the remainder of the school year, the student may be transferred at any time during the school year to the appropriate attendance area.

The board of education will make every effort to maintain class sizes, which promote efficient and effective learning.

If any student is under suspension or expulsion in a school district, the student may not enroll in any school district until the suspension or expulsion has expired. The superintendent or school administrator of any school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state. Upon receiving a request for a student's permanent school records from the receiving district, the sending school shall provide the receiving district with written notice of any suspension or expulsion.

The district may deny application for any of the following additional reasons:

- A. The applicant has been convicted of possession, use or distribution of any controlled substance, including marijuana pursuant to state statute and is under suspension;
- B. The applicant is under suspension or expulsion pursuant to school policy;
- C. The applicant has been convicted of a weapons charge relating to the schools pursuant to state statute and is under suspension.

It shall be the goal of the board of education to maintain a student enrollment not to exceed 25 students in kindergarten through grade 3, 30 students in grades 4 through 5 and 30 students per core classroom (science, mathematics, social studies, language arts) in grades 6 through 8. Enrollments in specific attendance and subject areas may alter this policy, but reasonable effort shall be made to maintain this student-teacher ratio through forced transfers.

Classes exceeding acceptable size, as outlined above, will be adjusted where possible by requiring new enrollees to attend a school which has available space in that grade level. Students who are force transferred will not be moved to another school for the remainder of the school year.

Consideration will be given to those students who have been recommended for placement outside the home school attendance area by appropriate school district personnel or when necessitated by the location of specific programs to accommodate students who qualify under IDEA (Individuals with Disabilities Education Act) when the appropriate educational program can be provided with existing staff, services and programs within the Rapid City School District.

### Student Assignments

Students residing within the district will attend their home attendance center according to the established boundaries, unless a transfer is necessitated by the location of specific programs to accommodate students who qualify under federal statutes.

### Personal Transfer Requests

Personal transfer requests must be filed with the assistant superintendent of administrative services. Senior high personal transfer requests may be submitted for the following school year beginning the first Monday in February. Elementary and Middle School personal transfer requests may be submitted for the following school year beginning the second Monday in January and through the Friday of the week of summer registration in August. Rapid City Area School staff members who have filed an application will be processed first. All other applications will be reviewed in the order received. These requests will be accepted or rejected prior to the first day of school. Requests made after the week of summer registration will be assigned upon verification of building enrollment and according to the priority of the assignment section of the policy.

Once enrolled in a non-resident attendance center, the enrollment will continue unless a bona fide change of residence occurs, a student is moved to another school to accommodate class size or a subsequent transfer application is approved.

A request for transfer of an elementary or middle school student will be considered for approval where class size permits additional enrollment. Personal transfer students may be moved to another school at any time to make room for students who reside in that attendance area. Students enrolled under the personal transfer provisions will be moved under those circumstances on a “last in, first out” order. Transportation is the responsibility of the parent.

Students that move to another address within the school district during the year, that have been in attendance for a minimum of thirty (30) days after enrollment will be considered a resident of that attendance area if they wish to attend, for the remainder of that school year. If they wish to remain in that school for the next school year, they will be required to request a personal transfer as per this policy.

### Boundary Change Provision

Grandfather clause: Parents may elect to have their child stay in their previous school when they are affected by a boundary change for a school attendance area. They may make this election on the form provided during a time frame prescribed by the assistant superintendent of student achievement following the decision to change the school attendance area boundary. All requests will be granted providing the building affected has the capacity for the enrollment. This clause will apply to siblings when an older child is enrolled at the building and a younger child is beginning school. Therefore two children in the same family will not be in two different elementary schools, two different middle schools, or two different high schools. If this clause is not elected during the appropriate time frame, the parent can request a personal transfer as stated in the Personal Transfer section of this policy.

### Dual Enrollment Requests

A request for dual-enrollment of a student will be considered where class size permits. Such requests will be considered after enrollment information is known and full-time district students have been assigned. Dual-enrollment students requesting a change of status during the school year may not be assigned to their home school unless space is available.

Dual-enrollment students may be moved to another school at any time to make room for full-time students. Full-time resident students that are dual-enrolled are not subject to such a transfer under this provision.

Dual enrollment requests need to be made annually. Transportation is the responsibility of the parent. All state laws, board of education policies and building procedures apply to full-time and dual-enrolled students. Compulsory attendance laws apply to all full-time or dual-enrolled alike.

A dual-enrolled student requesting enrollment in activities must participate at the school of his/her residency unless a change of assignment has been approved by the assistant superintendent of student achievement. All senior high special assignment students must meet the eligibility requirements of South Dakota High School Activities Association (SDHSAA) to participate in competition and contests.

### Special Assignment Requests

Due consideration will be given to special assignment requests for transfer under the following guidelines:

- A. An administratively supported request that a student be placed in another setting because of academic, social or psychological considerations;
- B. Students who have been force transferred during their fifth grade year may request a secondary transfer before registering for the sixth grade.

### Open Enrollment Requests

The district will accept students who are legal residents of another South Dakota district that wish to enroll, provided the district's facilities are able to accommodate the students without adversely affecting the quality of the educational program.

The following standards will be used to accept or reject applications for open enrollment in the Rapid City Area School District:

Open Enrollment applications will be approved on a space available basis at the time the request is considered.

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.

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 grade three: The average student to teacher ratio shall not exceed 25 students in a grade level as a result of open enrollment.
- Grades four through five: The average student to teacher ratio shall not exceed 30 students in a grade level as a result of open enrollment.
- Grades six through eight: The average student to teacher ratio or classes may not exceed 30 students as a result of open enrollment.
- Grades nine through twelve: Acceptance is based on the school's ability to provide a schedule that meets the individual student's specific course needs.

Building and/or Program Capacity. An open enrollment transfer may not cause a building or program to exceed capacity.

Program capacity is based on the type of program.

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.

If a requested building is at capacity, the parent/guardian may request the opportunity to be assigned to a building that has capacity for additional students.

The determination of whether the district's facilities can accommodate a particular student will be determined solely by the district.

Open Enrollments 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 first deadline, the open enrollment will occur at the start of the second semester, or after the second deadline, at the start of the following school year. Exceptions apply if:

- A. A student is seeking to open enroll to an alternative school or specialized nonpublic education program;
- B. A student enrolls in the school district after the deadline in either semester; or
- C. The receiving school district school board or designee determines that special circumstances exist and allows a student to open enroll after the deadline.

The Rapid City Area Schools business office will begin accepting applications for the following school year no sooner than the second Monday in January.

At the time students apply for open enrollment, they will be assigned to attend a succeeding middle or high school that is within the feeder system. The district reserves the right to assign a particular feeder school path based on whether space is available. Once approved, open enrolled students are considered the same as personal transfer students and if they wish to attend a school other than the assigned feeder school must apply for a personal transfer along with all other resident students who request personal transfers. All policies and procedures that apply to a resident student on a personal transfer will then apply to open enrolled students.

Applications will be reviewed in the order received.

- A. The application must be approved by the board of education before the student can attend the “choice” school. An exception to this would be if the student were living in Rapid City and moved to another school district during the school year.
- B. If a special education child wants to transfer to the Rapid City Area School District through the open enrollment program, a joint placement committee determines whether the district can provide an appropriate program.
- C. 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 unless the two boards’ of education agree in writing to allow a student to return to the original district or if the parent, guardian or student changes residence to another district.
- D. If a bona fide change of residence occurs, the parents, guardian or emancipated student may apply for enrollment in a non-resident district or non-assigned attendance center.

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

Parents applying for open enrollment must file the South Dakota Open Enrollment Application in the business office of the district. Any misrepresentation of information by a non-resident dependent, discovered before or after the acceptance process or while the student is in attendance, shall result in immediate revocation of that student’s enrollment status in the district. The district shall review the applications in the order received in the business office. The business manager will notify open enrollment applicants in writing, by mail, of the acceptance or rejection.

Priority of Assignments to Building Attendance Centers

Assignments for individual student attendance centers will be processed in the following order:

- A. Assignment to Home Attendance Center - Ongoing
- B. Dual Enrollment for Full-time Resident Students - Ongoing
- C. Forced Transfers - Ongoing
- D. Open Enrollment Requests  
Continuing from Elementary to Middle School or Middle School to High School students will move on to the feeder school along with other continuing students.
- E. Personal Transfer Requests  
Received no later than the Friday of the week of summer registration.
- F. Open Enrollment Requests - received for the succeeding school year and approved by the board of education.  
To be placed after personal transfer requests received no later than the Friday of the week of summer registration.
- G. Personal Transfer Requests -  
Personal Transfer Requests - Received after the Friday of the week of summer registration.
- H. Open Enrollment Requests -  
As approved by the board of education.
- I. Student Assignment Requests - Ongoing

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Revised 02/26/91  
Revised 02/25/92  
Revised 02/23/93  
Revised 04/12/94  
Revised 03/26/96  
Revised 10/28/97  
Revised 06/13/00  
Revised 08/12/02  
Revised 03/09/04  
Revised 12/06/07  
Revised 02/17/11  
Revised 02/07/13  
Revised 04/21/15  
Revised 05/05/15  
Reviewed 05/23/16

Legal References:

SDCL 13-27-1 -Responsibility of person controlling child for school attendance—General education development test preparation program—Kindergarten—Transfer from another state.

SDCL 13-28-9 - School resident for free school privileges—Change of residence during school year.

SDCL 13-28-11 - Child residing in residential treatment center or intensive residential treatment center.

SDCL 13-28-15 - Assignment of elementary students within district—Factors considered—Review of board’s decision.

SDCL 13-28-19 - Assignment of students by school board.

SDCL 13-28-21 - Admission of nonresident students.

SDCL 13-28-23 - (School board to pay tuition for assigned students.

SDCL 13-28-40 - Enrollment options program established.

SDCL 13-28-41 - Request for transfer—Request for admission of nonresident child excused from attending in another district.

SDCL 13-28-41.1 - School district not required to provide transportation to student transferred within district.

SDCL 13-28-43 - Enrollment of student in other than resident district or transfer within district—Approval and notification.

SDCL 13-28-44 - Standards for acceptance or rejection of application to enroll.

SDCL 13-28-45 - Transportation of transfer student.

SDCL 13-28-46 - Transfer credits.

SDCL 13-28-47 - Disclosure.

SDCL 13-32-4 - School board to assist in discipline—Suspension and expulsion of pupils—Report to local authorities—Hearings—Alternative settings.

SDCL 13-32-4.3 - Effect of student’s suspension or expulsion on enrollment.

SDCL 13-32-7 - Possession of firearms on or in elementary or secondary school premises or vehicle as misdemeanor—Exceptions.

SDCL 13-32-9 - Suspension from extracurricular activities for controlled substances violation—Unified Judicial System to give certain notices.

Opinion of the Attorney General No. 82-7, No Child Left Behind Act 2001.

Cross References:

EEA - Student Transportation Services

IGD - Co-curricular and Interscholastic Programs

IHB - Class size

JC - School Attendance Areas

JGD - Suspension and Expulsion

Rapid City Area School District No. 51-4, Rapid City, South Dakota