

MONTROSE SCHOOL DISTRICT 43-2 OPEN ENROLLMENT POLICY

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student who resides in another school district desiring to enroll their student the Montrose School District must apply to open enroll in the Montrose School District. This right transfers to a student who is 18 years of age.

General Guidelines:

1. All requests for open enrollment to the Montrose School District must be submitted to the Superintendent on the official application form provided by the South Dakota Department of Education. For enrollment in any fall semester, the request must be received by the Superintendent prior to the last Friday in September. For enrollment in any spring semester, the request must be received by the Superintendent prior to the last Friday in January. The deadlines for transfer do not apply if:
 - (A) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
 - (B) A student enrolls in a school district, from which the student seeks to open enroll into the Montrose District, after the deadline in either semester; or
 - (C) The Montrose School District determines that special circumstances exist and allows a student to transfer after the deadline.
2. Nonresident student open enrollment applications to attend school within the Montrose School District will be reviewed by acting on applications in the order in which they are received.
3. The Superintendent is the Board's designee to either approve or deny the application for open enrollment. The decision of the Superintendent regarding a student's application for open enrollment or a request to return to the resident district may be appealed to the Board if denied. Appeal of a decision by the Superintendent must be directed to the School Board. The decision of the School Board regarding a student's application for open enrollment or a request to return to the resident district is subject to appeal to circuit court pursuant to SDCL 13-46.
4. The decision to accept or reject an open enrollment application will be based on the criteria listed in this policy. The applicant and the resident school district will be notified within five days of the decision.
5. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the Superintendent.
6. Once approved by the Montrose School District, the approved application serves as the applicant's notice of intent to enroll in the Montrose School District and obligates the student to attend the Montrose School District during the school year, unless the Montrose School District agrees 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.

7. Once enrolled under open enrollment in the Montrose School District, the student may remain enrolled, unless properly expelled, and is not required to resubmit annual applications.
8. The parent or legal guardian or 18 year old student who has been accepted for transfer under open enrollment is responsible for transportation to and from school without reimbursement.
9. A copy of this policy will be provided to parents, guardians and 18 year old students who submit an open enrollment application and to any person upon request.

Open Enrollment Application Standards:

1. Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may exceed these ratios.
 - Kindergarten through grades five: The student to teacher ratio shall not exceed 28 students in a grade level as a result of open enrollment.
 - Grade six through grade eight: The student to teacher ratio for core classes may not exceed 30 students as a result of open enrollment.
 - Grade nine through grade twelve: Enrollment may not exceed building capacity which is 120 students.
 - Open enrollment of a special education student will not be approved if the students cannot be accommodated at current staffing levels or the program is at capacity. Capacity for Kindergarten through 8th grade is 12 students. Capacity for grades nine through twelve is 12 students.
2. If two or more students from the same family, residing in the same household, request open enrollment into the Montrose School District, all requests from that family must be either approved or denied and the Montrose School District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. Except that if the Montrose School District cannot provide an appropriate education for a child in need of special education or special education and related services the District may deny that child's application for open enrollment.
3. Any student under long term suspension or expulsion from a public school in this state is not allowed to open enroll until the suspension has expired or the expulsion has been lifted.
4. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

Open Enrollment of Special Education Students:

1. A request to transfer a student in need of special education or special education and related services must be accompanied by a copy of all educational records, including IEP's and disciplinary records from the resident district. Failure to provide this information renders the application void. The application 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 Montrose School District determines that the district, within its existing facilities and resources, can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs.
2. If the Montrose School District special education administration is not able to confirm its ability to provide 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 Montrose School District must initiate a combined education program team meeting consisting of representatives from the resident district and the Montrose School District to determine whether the Montrose School District can provide an appropriate instructional program, facilities, and necessary transportation.
3. 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 the combined education program team determines that the Montrose School District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs with its existing facilities and resources.
4. If a parent or guardian of a student in need of special education or special education and related services request to transfer the student back to the resident district, the affected school boards, or the boards' designees must agree in writing to allow the student to transfer back to the resident district or unless the parents, guardian, or emancipated student change residence to another district.
5. If two or more students from the same family residing in the same household request open enrollment both shall be approved or denied upon the criteria in this policy. If, however, one or more of the students from the same family is a child in need of special education or special education and related services and the Montrose School District determines it cannot provide an appropriate special education or special education and related services for such student or students as provided in this policy, it may deny that request while approving other students from the same family.
6. 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 on the application that the student has an IEP and needs special education services, approval by the Montrose School District of the open enrollment transfer application and any subsequent approval of that application will be deemed void.

Adoption date: December 12, 2005

Reviewed _____

Amended: 2014