

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

400V0357

SENATE ENGROSSED NO. **HB 1033** - 03/03/2014

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the open enrollment  
2 application review process of siblings of open enrolled students.

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

4 Section 1. That § 13-28-43 be amended to read as follows:

5 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an  
6 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,  
7 inclusive, in a South Dakota school district other than the resident district or in a school within  
8 the resident district other than the school to which the student has been assigned shall apply on  
9 forms provided by the Department of Education.

10 The school board or the board's designee of the district in which the student desires to enroll  
11 shall approve or disapprove the application and shall notify the applicant and the resident board,  
12 if applicable, of its decision within five days of the decision. The district in which the student  
13 desires to enroll shall review the applications in the order received. However, if the applicant  
14 is a sibling of a student accepted into and currently enrolled in the district pursuant to §§ 13-28-  
15 40 to 13-28-47, inclusive, that student's application shall take priority over all other applications



1 the district has received consistent with § 13-28-44.

2 Transfers to a school district other than the resident school district under the provisions of  
3 §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September  
4 during the first semester of any school year, and prior to the last Friday in January during the  
5 second semester of any school year. If a school district approves an application for such a  
6 transfer after the deadline in the first semester, the transfer will occur at the start of the second  
7 semester. If a school district approves an application for such a transfer after the deadline in the  
8 second semester, the transfer will occur at the start of the following school year. However, the  
9 deadlines for transfer do not apply if:

- 10 (1) A student is seeking to transfer to an alternative school or a specialized nonpublic  
11 educational program;
- 12 (2) A student enrolls in a school district after the deadline in either semester; or
- 13 (3) The receiving school district school board or the board's designee determines that  
14 special circumstances exist and allows a student to transfer after the deadline.

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

18 An application may be withdrawn by the applicant prior to the approval of the request and  
19 upon notification of the district to which the student applied. Once approved by the district in  
20 which the student wishes to enroll, the approved application serves as the applicant's notice of  
21 intent to enroll in the nonresident district or desired school during the school year and obligates  
22 the student to attend school in the nonresident district or desired school during the school year,  
23 unless the affected school board or boards agree in writing to allow the student to transfer back  
24 to the resident district or assigned school, or unless the parents, guardians, or emancipated

- 1 student change residence to another district.
- 2       Once enrolled in a nonresident district or nonassigned school, the student may remain
- 3 enrolled and is not required to resubmit annual applications.