

**WINNER SCHOOL DISTRICT 59-2  
OFFICIAL SCHOOL BOARD POLICY**



**ADMISSION OF NON-RESIDENT STUDENTS;  
ASSIGNMENT OF RESIDENT STUDENTS**

This policy of the Board of Education of Winner School District 59-2 is enacted to fairly provide for the admission and assignment of resident students and non-resident students. The following definitions apply to this Policy:

1. **RESIDENT DISTRICT** means the district in which a student has legal residence as determined according to SDCL 13-28-9.
2. **NON-RESIDENT DISTRICT** means any district in which a nonresident student seeks to enroll. The Winner School District would be the "non-resident district" for those students with local residence outside the boundaries of this district.
3. **ASSIGNED SCHOOL** means the attendance center within the Winner School District to which the student is assigned.
4. **NON-ASSIGNED SCHOOL** means an attendance center within the Winner School District to which the student has not been assigned.

Pursuant to the terms, conditions and requirements of the 1997 Open Enrollment Act and this Policy, the Winner School District will accept for enrollment students whose legal residences are outside the school district. The determination whether to accept or reject any application for transfer shall be made according to the criteria adopted by the Board of Education, below.

**A. GENERAL PRINCIPLES**

1. A student who is a legal resident of another South Dakota school district, who seeks to transfer to the winner School District, must apply for such transfer to both the resident district and the Winner School District. The application must be made on triplicate forms provided by the South Dakota Department of Education and Cultural Affairs, and must be mailed to both school districts and postmarked not later than February 1st of the school year preceding the intended year of enrollment. The application must be made by the parent or guardian of an un-emancipated student or by an emancipated student.
2. Applications will be reviewed in the order they are received. The Board of Education will approve or disapprove all timely applications not later than March 1st, and will notify the applicant and the resident district within five days.
  - a. An application for-transfer may be withdrawn by the applicant by notification to the school boards of both districts before February 1st.
  - b. Once approved by the Winner School District, the student shall be obligated to attend school in this district during the coming school year, unless the school boards of both districts agree, in writing, to allow a particular transfer student to return to the resident district. However, the student may transfer to a different district if the parent, guardian or emancipated student

**WINNER SCHOOL DISTRICT 59-2  
OFFICIAL SCHOOL BOARD POLICY**



change legal residence to another school district during the school year.

- c. If the parent, guardian or emancipated student change their residence from outside the district, to within the district, after February 1st, the parent, guardian or emancipated student may apply for enrollment in this district notwithstanding the February 1st deadline. The application for transfer in this circumstance will be considered by the Board of Education in a timely manner.
3. Once enrolled in the Winner School District, the enrollment will continue unless a bona fide change of residence to another school district occurs or a subsequent transfer application is received and approved.
4. The Winner School District will accept credits granted for any course successfully completed in another accredited school system. The Winner School District shall award a high school diploma to a non-resident student only if the student satisfactorily meets this district's graduation requirements. Students who seek to transfer to this district are encouraged to review their transcripts to ascertain whether additional course work or additional school attendance will be required.
5. Applications for in-district transfer to a non-assigned school may be accepted and acted upon by the Board of Education at any time; provided, however, decisions regarding transfers among attendance centers within the district will be completed by August 1st immediately preceding the school year of the requested assignment.
  - a. Once enrolled in a non-assigned school, the enrollment will continue unless a bona fide change of residence occurs or a subsequent transfer application is received and approved.

**B. CRITERIA FOR MAKING TRANSFER DETERMINATIONS**

The 1997 Open Enrollment Act and the Winner School District will allow any student, regardless of race, gender, religious affiliation, or disability, to apply for transfer to the Winner School District. Transfer decisions will be made according to established curriculum requirements and board policy. The Board of Education may deny any transfer application due to the physical limitations of present facilities. Transportation of nonresident students to the Winner School District is strictly the responsibility of the applicant, and the Winner School District will not pay or reimburse any of the costs thereof.

1. The Department of Education and Cultural Affairs has authority to promulgate rules setting forth procedural and administrative requirements of an open enrollment program. The Winner School District will comply with all such rules and procedures.
2. The Board of Education of the Winner School District may deny an application for transfer for any one or more of the following reasons:

**WINNER SCHOOL DISTRICT 59-2  
OFFICIAL SCHOOL BOARD POLICY**



- a. The application was not timely.
- b. The admission of the student would increase the number of students in a program or facility to a size which would exceed the reasonable limitations thereof, or which would adversely affect the quality of the educational program.
- c. The student is under suspension or expulsion in any school district. If the student is under suspension or expulsion at the time of the application, but will be "off suspension" or "off expulsion" before he/she would enter the Winner School District, then his/her application will be given due consideration. It shall be **PROVIDED, HOWEVER**, that if the reason for the suspension or expulsion was because of the possession, use or distribution of a controlled substance, including marijuana; or because of a conviction on a weapon's charge occurring on school property under SDCL 13-32-7; or because the student is a street gang member as defined in SDCL 22-10-14; then the student will be denied admittance regardless of whether he/she should be "off suspension" or "off expulsion".
- d. The applicant has been convicted of possession, use, or distribution of any controlled substance, including marijuana, and is under suspension pursuant to SDCL 13-32-4.
- e. The applicant has been convicted of a weapon's charge occurring on school property under SDCL 13-32-7. f. The applicant appears to be a street gang member as defined by SDCL 22-10-14.

**C. SPECIAL EDUCATION STUDENTS**

State and federal law requires that a resident school district be responsible for providing a free and appropriate education for students (ages 0-21) who are in need of special education (SPED) and related services. All applications for transfer of a SPED student will first be considered by a combined placement committee. Membership on the placement committee will include representatives of both the resident district and the Winner School District. In addition to the other considerations of the 1997 Open Enrollment Act, the following considerations will apply:

1. The combined placement committee will determine whether or not the Winner School District can provide the appropriate instructional programs and facilities to meet the student's needs.
2. The resident school district will reimburse the Winner School District the actual costs incurred in providing all SPED services to the student.
3. The combined placement committee shall determine whether the student requires transportation as a related service, and if such service is required, the resident district will be required to provide or to pay for the service in order for the student to attend the Winner School District.

**WINNER SCHOOL DISTRICT 59-2  
OFFICIAL SCHOOL BOARD POLICY**



4. Return of the non-resident SPED student to his/her resident district will be subject to the approval of the combined placement committee.
5. No separate deadline dates will be in effect for notification and decision-making with regard to transfers of SPED students.

**D. MISCELLANEOUS PROVISIONS**

1. The Winner School Board will assign all students among the schools within the district pursuant to SDCL Chapter 13-28.
2. The administration of the Winner School District will make relevant information (such as programs, policies, procedures, etc.) available to anyone who requests it.
3. Any person aggrieved by any action of the Board of Education pursuant to this policy may appeal pursuant to SDCL 13-46.