

## ADMISSION OF RESIDENT **LEARNERS** **STUDENTS**

The legal residence of a **learner student**, for the purpose of claiming free school privileges under the South Dakota Constitution will mean the legal residence or domicile of the **learner's student's** parents or legal guardian.

The parents or legal guardian may not establish residency in a district for the sole purpose of obtaining free schooling in that district.

**At the time a child is enrolled in a school district, the school residence of the child as determined by that school district within thirty days after the enrollment** ~~A child's school residence~~ may not change during the school fiscal year, unless the child ceases to be **an enrolled member of a school within** ~~in the school of~~ the district.

When a child is residing in a foster home on a permanent or temporary basis, the child has school residence in the district where the foster home is located.

### **Children of Military Personnel**

A child meets the residency requirement for school attendance in the school district in which the parent or guardian resides or will reside if the parent or guardian of the child is transferred to or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. A military installation is a base, camp, post, station, yard, center, or other installation under the jurisdiction of the United States Department of Defense.

**Legal References:** SDCL 13-28-10 (School residency of child)  
SDCL 13-28-9 (School residence for free school privileges)

**Cross References:** JEC: School Admissions  
**JECOA: Learners Enrolling from Alternative Instruction and Unaccredited Schools**

**1st Reading:** 08/12/2013  
**2nd Reading:** 09/16/2013  
**Final/Adopted:** 10/15/2013  
**Notification:** 06/14/2021  
**1st Reading:** 07/19/2021  
**2nd Reading:** 08/09/2021