

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

488P0355

## SENATE ENGROSSED NO. **HB 1300** - 2/27/2008

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Heineman, Dykstra, Gilson, Hills, Krebs, Lust, McLaughlin, Novstrup (Al), Rave, Rhoden, Weems, and Wick and Senators Olson (Ed), Dempster, Jerstad, Knudson, Nesselhuf, Peterson (Jim), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to school district  
2 reorganization and to the payment of additional funds to consolidating school districts, and  
3 to revise the general state aid to education formula for the purpose of increasing teachers  
4 salaries.

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

6 Section 1. That § 13-6-18 be amended to read as follows:

7 13-6-18. Upon receipt of a proposed plan, the secretary of the Department of Education shall  
8 review the plan and compare its features with the requirements for school district reorganization  
9 as provided in § 13-6-4. The secretary of the Department of Education may call a hearing on the  
10 proposal, or request additional information as deemed necessary before his approval or  
11 disapproval. ~~He~~ The secretary shall, within thirty days of receiving the proposed plan, notify in  
12 writing the school boards of the school districts and boards of county commissioners affected  
13 that the proposal is found, or is not found, to be in compliance with the requirements for school  
14 district reorganization and the standards and rules adopted by the South Dakota board of



1 education.

2 The secretary of the Department of Education may deny approval of a plan when in the  
3 ~~superintendent's~~ secretary's judgment the proposed district does not contain enough valuation  
4 or enrollment to provide an adequate educational program.

5 Section 2. That § 13-6-48 be amended to read as follows:

6 13-6-48. The secretary of the Department of Education shall notify all school boards of each  
7 district included in the plan and boards of county commissioners affected if such plan has been  
8 approved or rejected by the voters. If the plan was approved by the voters, the secretary of the  
9 Department of Education shall, within fourteen days of the election at which the voters approved  
10 the plan, issue his order to give effect to such plan. The order shall contain a description of the  
11 boundary of each school district, the date that the district shall become operative, the number  
12 of school board members to be elected and the county of jurisdiction as provided in § 13-5-14.

13 Section 3. That § 13-6-92 be amended to read as follows:

14 13-6-92. If two or more school districts consolidate after July 1, 2001 and ~~prior to~~ on or  
15 before July 1, 2007, the new school district is entitled to an additional three hundred dollars per  
16 average daily membership as defined in § 13-13-10.1, up to a maximum of four hundred average  
17 daily membership from each school district or a prorated portion thereof from a partial school  
18 district as it existed prior to consolidation for the first year after consolidation. If two or more  
19 school districts consolidate after July 1, 2001 and ~~prior to~~ on or before July 1, 2007, the new  
20 school district is entitled to an additional two hundred dollars per average daily membership as  
21 defined in § 13-13-10.1, up to a maximum of four hundred average daily membership from each  
22 school district or a prorated portion thereof from a partial school district as it existed prior to  
23 consolidation for the second year after consolidation. If two or more school districts consolidate  
24 after July 1, 2001 and ~~prior to~~ on or before July 1, 2007, the new school district is entitled to an

1 additional one hundred dollars per average daily membership as defined in § 13-13-10.1, up to  
2 a maximum of four hundred average daily membership from each school district or a prorated  
3 portion thereof from a partial school district as it existed prior to consolidation for the third year  
4 after consolidation.

5 If two or more school districts consolidate after July 1, 2007, the new school district is  
6 entitled to an additional six hundred dollars per fall enrollment as defined in § 13-13-10.1, up  
7 to a maximum of four hundred fall enrollment from each school district or a prorated portion  
8 thereof from a partial school district as it existed prior to consolidation for the first year after  
9 consolidation. If two or more school districts consolidate after July 1, 2007, the new school  
10 district is entitled to an additional four hundred dollars per fall enrollment, up to a maximum  
11 of four hundred fall enrollment from each school district or a prorated portion thereof from a  
12 partial school district as it existed prior to consolidation for the second year after consolidation.

13 If two or more school districts consolidate after July 1, 2007, the new school district is entitled  
14 to an additional two hundred dollars per fall enrollment, up to a maximum of four hundred fall  
15 enrollment from each school district or a prorated portion thereof from a partial school district  
16 as it existed prior to consolidation for the third year after consolidation. However, if as a result  
17 of any consolidation after July 1, 2007, a total of no more than twenty-five students are sent to  
18 a school district other than the one in which they resided prior to the consolidation, each new  
19 or remaining school district is entitled to the additional payments per fall enrollment provided  
20 in this section for the first three years after the consolidation, but only on a fall enrollment of  
21 twenty-five.

22 Section 4. That subdivision (4) of § 13-13-10.1 be amended to read as follows:

23 (4) "Per student allocation," for school fiscal year ~~2008~~ 2009 is ~~\$4,528.80~~ \$4,700.89.

24 Each school fiscal year thereafter, the per student allocation is the previous fiscal

1           year's per student allocation increased by the index factor;

2           Section 5. For school fiscal year 2009, for any school district that does not certify to the  
3           secretary of education that its average teacher salary and benefits will increase by at least 3.8  
4           percent, and that it will spend at least \$58.87 per fall enrollment as defined in subdivision 13-  
5           13-10.1(2A) on teacher salaries and benefits in excess of the school district's FY 2008  
6           expenditures on teacher salaries and benefits, increased by the index factor as defined in  
7           subdivision 13-13-10.1(3), the per student allocation pursuant to subdivision 13-13-10.1(4) is  
8           \$4,642.02.

9           Section 6. The secretary of education may promulgate rules pursuant to chapter 1-26 to  
10          provide for the certifications required in section 5 of this Act.