

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

480A0532

HOUSE BILL NO. 1093

Introduced by: Representatives Brown (Richard), Cutler, Duniphan, Jorgensen, Madden, Richter, and Schaunaman and Senators Olson, Everist, Flowers, Hainje, Munson (David), Paisley, and Shoener

1 FOR AN ACT ENTITLED, An Act to clarify school average daily membership if tuition is
2 waived.

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

4 Section 1. That § 13-28-38 be amended to read as follows:

5 13-28-38. Tuition required pursuant to § 13-28-22 may be waived if agreed to by the school
6 boards involved. Notwithstanding §§ 13-6-85, 13-28-9, 13-28-10, 13-28-20, and 13-28-21, the
7 decision of a school board to waive or not to waive tuition is final except as specifically provided
8 in this section. If a school board agrees to waive tuition, the district receiving the student may
9 count the student for state funding formula purposes and is entitled to reimbursement for that
10 student through the state funding formula. Any request for a waiver of tuition shall be made to
11 the affected school boards by the parent or guardian of the affected student. The school boards
12 shall take action on the request within forty-five days after receiving the request. A school
13 board's decision pursuant to this section may be appealed to the circuit court in the time and
14 manner specified by § 13-46-1 or to the secretary of the Department of Education and Cultural
15 Affairs within thirty days from the date of the decision of the school board by filing a notice with

1 the secretary of the school board and mailing a copy of the notice to the secretary of the
2 Department of Education and Cultural Affairs. The granting of any waiver is not a legal
3 precedent for any future request for waiver.