AN ACT

ENTITLED, An Act to allow the Department of Education to enter into certain enrollment agreements with the State of North Dakota and to compensate certain school districts for lost revenue due to the agreements.

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

Section 1. The secretary of the Department of Education may enter into agreements with the appropriate parties from the state of North Dakota to establish an enrollment options program between South Dakota and North Dakota.

Section 2. Any agreement entered into pursuant to this Act shall specify the following:

(1) For students who are not residents of South Dakota, the enrollment options program applies only to a student whose resident school district borders South Dakota;

(2) If North Dakota sends more students to South Dakota than South Dakota sends to North Dakota, North Dakota will pay South Dakota an amount agreed upon for the excess number of students sent to South Dakota;

(3) If South Dakota sends more students to North Dakota than North Dakota sends to South Dakota, South Dakota will pay North Dakota an amount agreed upon for the excess number of students sent to North Dakota.

Section 3. Any agreement entered into pursuant to this Act shall specify the application procedures for the enrollment options program between South Dakota and North Dakota.

Section 4. Any agreement entered into pursuant to this Act shall specify the reasons for which an application for the enrollment options program between South Dakota and North Dakota may be denied.

Section 5. Any agreement entered into pursuant to this Act shall specify that a South Dakota school district is not responsible for transportation for any resident student attending school in North

Dakota under the provisions of this Act. However, a South Dakota school district may, at its discretion, provide transportation services for such a student.

Section 6. Any agreement entered into pursuant to this Act may specify additional terms relating to any student in need of special education or special education and related services pursuant to chapter 13-37.

Section 7. For the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent to South Dakota from North Dakota is included in the receiving school district's average daily membership.

Section 8. For the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent to North Dakota from South Dakota may not be included in the resident school district's average daily membership.

Section 9. Any student whose resident school district does not receive state aid to education under the provisions of chapter 13-13 or 13-37 may not attend school in North Dakota unless the student's resident school district pays the State of South Dakota an amount equal to the per student allocation as defined in chapter 13-13 or 13-37 for each student sent to North Dakota.

Section 10. The Department of Education may promulgate rules pursuant to chapter 1-26 to establish procedures relating to the application process, the collection or payment of funds under the provisions of any agreement established pursuant to this Act, and data regarding numbers of graduating seniors.

Section 11. For fiscal years 2006, 2007, and 2008, any school district contiguous to the North Dakota border that receives students from North Dakota and that receives less revenue under the terms of this Act than it would have otherwise received is entitled to a payment from the Department of Education to compensate for the difference. For fiscal year 2006, the payment shall equal seventy-five percent of the difference; for fiscal year 2007, the payment shall equal fifty percent of the

difference; and for fiscal year 2008, the payment shall equal twenty-five percent of the difference. For fiscal years 2006, 2007, and 2008 the department shall calculate the affected district's difference in state aid general foundation support after determining any change in state aid funding to the district that is attributable to the graduating seniors.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1149

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Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State

House Bill No. 1149
File No. ____
Chapter No. _____