

## 2026 South Dakota Legislature

**House Bill 1249****AMENDMENT 1249A  
FOR THE INTRODUCED BILL**

1 **An Act to amend provisions pertaining to the School Finance Accountability Board,**  
2 **and the process by which a recommendation of the board is approved.**

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

4 **Section 1. That § 1-45-38 be AMENDED:**

5 **1-45-38.** There is ~~hereby~~ created the School Finance Accountability Board within  
6 the Department of Education. The board ~~shall consist~~ consists of five members appointed  
7 by the Governor. The members shall serve a term of four years.

8 ~~The board may recommend that the provisions of § 13-13-73.5 be waived for a~~  
9 ~~school district if the district can demonstrate that its lowest monthly general cash fund~~  
10 ~~cash balance percentage is the result of special circumstances.~~

11 ~~The board may recommend that a penalty against a school district imposed under~~  
12 ~~§ 13-13-73.9 be waived, in whole or in part, if the district can demonstrate that its failure~~  
13 ~~to comply with § 13-13-73.6 or 13-13-73.8 is due to special circumstances. The board~~  
14 ~~may recommend the Department of Education review the accreditation of a school district~~  
15 ~~that is found not to be complying with §§ 13-13-73.5, 13-13-73.6, or 13-13-73.8.~~

16 ~~The School Finance Accountability Board shall promulgate rules pursuant to chapter~~  
17 ~~1-26 to establish the appeals process provided for in § 13-13-73.9, and to establish the~~  
18 ~~factors that may be considered in considering a waiver requested by a school district,~~  
19 ~~which shall include the impact of retirements.~~

20 ~~The Joint Committee on Appropriations or the Interim Committee on Appropriations~~  
21 ~~shall review any waivers of § 13-13-73.5, 13-13-73.6, or 13-13-73.8 recommended by~~  
22 ~~the School Finance Accountability Board. For a waiver recommended by the board under~~  
23 ~~this section, the committee may provide any suggested change to the waiver. Not more~~  
24 ~~than thirty days following receipt of a suggested change from the committee, the board~~  
25 ~~may amend the recommended waiver in accordance with the suggested change and shall~~  
26 ~~resubmit the recommended waiver. The Joint Committee on Appropriations or the Interim~~

1 ~~Committee on Appropriations shall approve, amend, or deny any waiver recommended by~~  
2 ~~the board~~

3 A school district may request that the School Finance Accountability Board waive  
4 any reduction to the district's state aid for general education, imposed under § 13-13-  
5 73.5, or the penalty imposed upon a school district, pursuant to § 13-13-73.9.

6 The board may:

7 (1) Reduce a school district's state aid for general education, as provided in § 13-13-  
8 73.5;

9 (2) Impose the penalty, as provided in § 13-13-73.9, upon a school district for failing  
10 to comply with § 13-13-73.6 or 13-13-73.8;

11 (3) Require a review of the school district's accreditation if:

12 (a) The district's lowest general fund monthly cash balance exceeds the  
13 district's allowable general fund cash balance; or

14 (b) The district has failed to comply with § 13-13-73.6 or 13-13-73.8; or

15 (4) Waive, in whole or in part:

16 (a) The reduction to a school district's state aid for general education required  
17 under § 13-13-73.5, if the district demonstrates that the lowest monthly  
18 general cash fund balance exceeded the allowable general fund cash  
19 balance as the result of special circumstances; or

20 (b) A penalty imposed upon a school district by § 13-13-73.9, if the district  
21 demonstrates that the district's failure to comply with § 13-13-73.6 or 13-  
22 13-73.8 was the result of special circumstances.

23 The board may condition any waiver granted to a school district pursuant to  
24 subsection (4)(a) upon the school district's annual lowest general fund monthly cash  
25 balance equaling an amount less than the district's allowable general fund cash balance,  
26 for at least three years. If the school district's lowest general fund monthly cash balance  
27 exceeds the district's allowable general fund cash balance at any point during the three  
28 years, the board may rescind the waiver and impose the penalty required under § 13-13-  
29 73.5.

30 The board may condition any waiver granted to a school district pursuant to  
31 subsection (4)(b) upon the school district increasing the district's average teacher  
32 compensation in accordance with § 13-13-73.6 and paying each full-time equivalent  
33 teacher a salary equal to the state minimum salary, as defined in § 13-13-73.8, for at  
34 least three years. If a school district fails to increase the district's average teacher  
35 compensation or fails to pay each full-time equivalent teacher a salary equal to the state

1 minimum salary at any point during the three years, the board may rescind the waiver  
 2 and impose the penalty required under § 13-13-73.9.

3 The School Finance Accountability Board shall promulgate rules, pursuant to  
 4 chapter 1-26, to establish the process by which a school district may request a waiver,  
 5 pursuant to this section, and the factors that the board may consider in granting a waiver  
 6 request from a school district. The factors must address the impact of employee  
 7 retirements on the district.

8 The Department of Education shall annually report to the Governor and the  
 9 Legislature the information collected pursuant to §§ 13-8-47 and 13-13-73.6.

10 **~~Section 2. That a NEW SECTION be added to chapter 1-45:~~**

11 ~~The School Finance Accountability Board shall promulgate rules, pursuant to~~  
 12 ~~chapter 1-26, to establish:~~

13 ~~(1) The process by which a school district may request a waiver, pursuant to § 13-13-~~  
 14 ~~73.5 or 13-13-73.9;~~

15 ~~(2) The documentation that a school district must present in order to demonstrate that~~  
 16 ~~the district's failure to comply with § 13-13-73.5, 13-13-73.6, or 13-13-73.8 was~~  
 17 ~~the result of special circumstances; and~~

18 ~~(3) The factors that the board may use in determining whether a district's failure to~~  
 19 ~~comply with § 13-13-73.5, 13-13-73.6, or 13-13-73.8 was the result of special~~  
 20 ~~circumstances.~~

21 ~~Any factors established by the board pursuant to subdivision (3) must include the~~  
 22 ~~impact of the retirement of school district personnel on the district's general fund monthly~~  
 23 ~~cash balance and average teacher salary.~~

24 **Section 2. That § 13-13-73.5 be AMENDED:**

25 **13-13-73.5.** ~~Beginning on July 1, 2018, a~~ If a school district's lowest general fund  
 26 monthly cash balance exceeds the district's allowable general fund cash balance, the  
 27 Department of Education shall reduce a school district's state aid for general education,  
 28 as calculated pursuant to § 13-13-73 shall be reduced, ~~by subtracting an amount equal to~~  
 29 the difference of the district's allowable general fund cash balance subtracted  
 30 from the district's lowest general fund monthly cash balance. If the result difference is less than  
 31 zero, the reduction equals to the district's state aid for general education is zero.

1           A school district created or reorganized after July 1, 2016, is exempt from the  
2           reduction provided by this section for a period of three years immediately following its  
3           creation.

4           **Section 3. That § 13-13-73.9 be AMENDED:**

5           **13-13-73.9.** The Department of Education must decrease state aid to general  
6           education funding to the school district in the following fiscal year by five hundred dollars  
7           for each full-time equivalent teacher employed in the school district if:

- 8           (1) The school district does not increase the school district's average teacher  
9           compensation in accordance with § 13-13-73.6; or  
10          (2) The school district does not pay each full-time equivalent teacher a salary at least  
11          equal to the state minimum salary as defined in § 13-13-73.8.

12          ~~A school district may request a waiver from any penalty imposed under this section~~  
13          ~~from the School Finance Accountability Board.~~