2026 South Dakota Legislature

Senate Bill 106

AMENDMENT 106A
FOR THE INTRODUCED BILL

1 **An Act to modify the amount required to be set aside for extraordinary expenses**
2 **incurred in providing special education programs.**

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

4 **Section 1. That § 13-37-40 be AMENDED:**

5 **13-37-40.** Subject to the ~~limitation~~ limitations provided below and in § 13-37-42,
6 the secretary of the Department of Education shall, ~~for school fiscal year 2014 and each~~
7 ~~year thereafter~~ beginning July 1, 2026, set aside ~~four~~ five million dollars of the state aid
8 to districts for special education appropriation for extraordinary expenses incurred in
9 providing special education programs or services to ~~one or more~~ children with disabilities,
10 with expenditures to be made as ~~recommended by an oversight board and approved by~~
11 ~~the secretary of the Department of Education~~ provided in § 13-37-60. ~~Beginning July 1,~~
12 ~~2027, and each year thereafter, the amount that the secretary shall set aside for~~
13 ~~extraordinary expenses increases by the index factor, as defined in § 13-37-35.1.~~
14 Any funds not expended or obligated pursuant to this section ~~shall~~ are not ~~be~~
15 subject to reversion pursuant to § 4-8-19. ~~The total amount set aside for extraordinary~~
16 ~~expenses each fiscal year plus the total amount not reverted from previous fiscal years~~
17 ~~may~~, provided that the total amount reserved each year for extraordinary expenses does
18 not exceed five million five hundred thousand dollars.
19 ~~The amount appropriated for extraordinary expenses shall be recalculated at the~~
20 ~~same time as the amount of the allocations for disability levels as provided in § 13-37-~~
21 ~~35.2~~. ~~Beginning July 1, 2027, and each year thereafter, the maximum amount that may~~
22 ~~be reserved for extraordinary expenses increases by the index factor, as defined in § 13-~~
23 ~~37-35.1.~~