

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1169

Introduced by: Representatives Wollmann, Conzet, Dryden, Jensen (Alex), Otten (Herman), Schoenbeck, Sly, Solum, and Zikmund and Senators Peters, Haverly, Otten (Ernie), and Tidemann

1 FOR AN ACT ENTITLED, An Act to allow a school district to operate an attendance center
2 within another school district.

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

4 Section 1. That chapter 13-23 be amended by adding a NEW SECTION to read:

5 A school board may establish an attendance center outside the boundaries of its school
6 district that is within the boundaries of another school district only when both school districts
7 have entered into a joint powers agreement pursuant to chapter 1-24 to provide instruction to
8 the students enrolled in the attendance center.

9 The superintendent of each school district shall meet and negotiate the terms of the joint
10 powers agreement at reasonable times and each superintendent shall negotiate in good faith. A
11 superintendent is not compelled to agree to a proposal or required to make a concession but is
12 required to provide his or her rationale for any position taken by the superintendent in the
13 negotiations.

14 If the superintendents agree upon the terms of the joint powers agreement, each



1 superintendent shall present the joint powers agreement to the superintendent's respective school
2 board for review and approval. Each school board may approve or reject the joint powers
3 agreement by adoption of a resolution.

4 If each school board adopts a resolution to approve the joint powers agreement, the school
5 board for the school district that will operate the attendance center shall submit the joint powers
6 agreement and each school board's resolution of approval to the secretary of education.

7 Section 2. That chapter 13-23 be amended by adding a NEW SECTION to read:

8 A school board may approve the operation of the attendance center under the provisions of
9 a joint powers agreement if the attendance center will meet the educational needs of the students
10 who will attend it. The educational needs of the students are deemed to be met if the school
11 board concludes that the school district that will operate the attendance center will provide the
12 students with the opportunity to learn fundamental education skills and the school district will
13 provide courses of instruction that meet grade appropriate academic content standards.

14 The operation of an attendance center under the authority of this Act does not affect the
15 operation or authority of any other type of organization to provide an education such as a
16 cooperative educational learning unit or a virtual school.

17 Section 3. That the code be amended by adding a NEW SECTION to read:

18 A joint powers agreement for a school district to operate an attendance center within the
19 boundaries of another school district is not required for any attendance center that was operated
20 by a school district before January 1, 2016. This section is repealed on July 1, 2018.