

AN ACT

ENTITLED, An Act to add a legislator to the membership of the Extraordinary Cost Oversight Board, to establish the board in statute, and to repeal the administrative rules creating the board.

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

Section 1. That chapter 13-37 be amended by adding a NEW SECTION to read:

There is hereby established an Extraordinary Cost Oversight Board within the Department of Education. The board shall review all school district requests for extraordinary cost funds as provided in § 13-37-40. The board shall meet at least once a year and recommend to the secretary of education those school districts that should be approved for extraordinary cost fund expenditures and those school districts that should not be approved for extraordinary cost fund expenditures. The secretary has the final authority to approve or deny extraordinary cost fund expenditures.

Section 2. That chapter 13-37 be amended by adding a NEW SECTION to read:

The oversight board established in section 1 of this Act shall consist of seven members. The membership shall include one member of the Legislature appointed by the Executive Board of the Legislative Research Council, and six members appointed by the secretary of education. The members appointed by the secretary shall include representatives from each of the following:

- (1) The Department of Education;
- (2) A school district with a fall enrollment of six hundred or more;
- (3) A school district with a fall enrollment of more than two hundred, but less than six hundred; and
- (4) A school district with a fall enrollment of two hundred or less.

The secretary shall use a staggered appointment schedule when appointing members, and no member may serve on the board for more than five years. The secretary shall also appoint alternate board members to serve in place of any board member representing a school district who may have

a conflict of interest. An alternate shall serve the same term as the equivalent board appointee.

Section 3. That § 13-37-46 be amended to read:

13-37-46. The secretary of the Department of Education shall promulgate and review rules which further define special education processes regarding student identification and the placement committee process. Any appeal of a local district's determination relating to special education or special education and related services shall be referred to the secretary of the Department of Education. The hearing shall be conducted by the secretary in accordance with the contested case provisions of chapter 1-26.

Section 4. That ARSD 24:05:33.01:01 be repealed.

Section 5. That ARSD 24:05:33.01:02 be repealed.

Section 6. That ARSD 24:05:33.01:03 be repealed.

Section 7. That ARSD 24:05:33.01:04 be repealed.

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I certify that the attached Act originated in the

SENATE as Bill No. 1

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 1
File No. _____
Chapter No. _____

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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