

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

677Q0455

SENATE BILL NO. 140

Introduced by: Senators Bartling, Brown, Garnos, and Hanson (Gary) and Representatives
Frerichs, Fargen, Greenfield, Lucas, Noem, Van Gerpen, and Vanneman

1 FOR AN ACT ENTITLED, An Act to allow school districts to enter into contractual
2 agreements to provide for the whole-grade sharing of students.

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

4 Section 1. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 13-5-1, the school board of any school district may
7 enter into an agreement or contract with one or more school boards of other school districts to
8 provide for the whole-grade sharing of students among the participating school districts if:

9 (1) The school district offers an instructional program within the boundaries of the
10 school district; and

11 (2) The school district meets the minimum fall enrollment requirements pursuant to §
12 13-6-97.

13 For purposes of this Act, whole-grade sharing is a sharing arrangement for students among
14 participating school districts that allows the resident students at any one or more grade levels
15 within one school district to attend school in one or more of the other participating school



1 districts. The whole-grade sharing may be one-way whereby a participating school district sends
2 all of its students at one or more grade levels to attend school in one or more of the other
3 participating school districts without receiving any students in return. If the whole-grade sharing
4 is one-way and all the students at one grade level from one participating school district are sent
5 to attend school in one or more of the other participating districts, all the students in that
6 participating school district in all of the grade levels above that grade level shall also be sent to
7 attend school in one or more of the other participating school districts.

8 The whole-grade sharing may also be two-way whereby a school district sends all of its
9 students at one or more grade levels to attend school in one or more of the other participating
10 school districts, and in return receives students at one or more grade levels from one or more
11 of the other participating school districts.

12 Section 2. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any agreement or contract entered into pursuant to section 1 of this Act shall be approved
15 by the secretary of education and shall remain in effect for a period of at least three years. It
16 shall provide for the sharing of governance among the participating school districts. The school
17 board of each participating school district shall adopt the contract or agreement no later than
18 February first of the school year preceding the school year for which the agreement will take
19 effect. The contract or agreement may be terminated by any participating school district if that
20 school district provides written notice to the other participating school districts at least eighteen
21 months prior to the termination.

22 The contract or agreement shall adhere to the following provisions:

- 23 (1) Students at one grade level within a school district are only eligible to attend school
24 in another participating school district if all the students at that particular grade level

1 within the school district are sent to another participating school district. The school
2 boards of the participating school districts shall determine which students and which
3 facilities will be shared under the terms of the agreement;

4 (2) The participating school districts may negotiate the rate of tuition that will be charged
5 for any student sent to attend school in another participating school district. However,
6 the rate of tuition per year may not be less than the per student allocation as defined
7 in § 13-13-10.1 for that school fiscal year;

8 (3) The fall enrollment as defined in § 13-13-10.1 for each participating school district
9 shall include any students that the school district sends to another participating school
10 district to attend school, and may not include any students that are sent to the school
11 district to attend school from other participating school districts;

12 (4) For the purposes of determining adequate yearly progress under the state's
13 accountability system established in § 13-3-62, and calculating the graduation rates,
14 any student sent to another participating school district to attend school shall be
15 counted in the receiving school district; and

16 (5) For the purposes of state aid for special education, the school residence of any
17 student in need of special education or special education and related services who is
18 sent to a participating school district to attend school remains with the sending school
19 district. However, both the sending and the receiving school districts shall agree upon
20 the student's individualized education program.

21 Section 3. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 The Department of Education shall promulgate rules pursuant to chapter 1-26 to establish
24 the procedures and timelines for approving the contracts and agreements.