

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0728

SENATE BILL NO. 190

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise certain allocations for disabilities in the state aid
2 for special education formula.

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

4 Section 1. That § 13-37-35.1 be amended to read as follows:

5 13-37-35.1. Terms used in chapter 13-37 mean:

6 (1) "Level one disability," a mild disability;

7 (2) "Level two disability," cognitive disability or emotional disorder;

8 (3) "Level three disability," hearing impairment, deafness, visual impairment, deaf-
9 blindness, orthopedic impairment, or traumatic brain injury;

10 (4) "Level four disability," autism;

11 (5) "Level five disability," multiple disabilities;

12 (5A) "Level six disability," prolonged assistance;

13 (6) "Index factor," is the annual percentage change in the consumer price index for urban
14 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
15 the United States Department of Labor for the year before the year immediately



preceding the year of adjustment or three percent, whichever is less;

- (7) "Local effort," shall be calculated for taxes payable in 2011 and shall be the amount of revenue that could have been generated for the taxes payable in 2010 using a special education levy of one dollar and twenty cents per one thousand dollars of valuation increased by the lesser of three percent or the index factor, as defined in § 10-13-38, plus a percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of real property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal value.

For taxes payable in 2012, 2013, 2014, and 2015, the total amount of local effort shall be increased by the lesser of three percent or the index factor, established pursuant to § 10-13-38 plus a percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of real property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal value;

- (8) "Allocation for a student with a level one disability," for the school fiscal year beginning July 1, ~~2008~~ 2009, is \$4,057. For each school year thereafter, the allocation for a student with a level one disability shall be the previous fiscal year's allocation for such child increased by the lesser of the index factor or three percent;

- (9) "Allocation for a student with a level two disability," for the school fiscal year beginning July 1, ~~2008~~ 2009, is \$9,471. For each school year thereafter, the allocation for a student with a level two disability shall be the previous fiscal year's allocation

1 for such child increased by the lesser of the index factor or three percent;

2 (10) "Allocation for a student with a level three disability," for the school fiscal year
3 beginning July 1, ~~2008~~ 2009, is \$15,220. For each school year thereafter, the
4 allocation for a student with a level three disability shall be the previous fiscal year's
5 allocation for such child increased by the lesser of the index factor or three percent;

6 (11) "Allocation for a student with a level four disability," for the school fiscal year
7 beginning July 1, ~~2008~~ 2009, is \$13,164. For each school year thereafter, the
8 allocation for a student with a level four disability shall be the previous fiscal year's
9 allocation for such child increased by the lesser of the index factor or three percent;

10 (12) "Allocation for a student with a level five disability," for the school fiscal year
11 beginning July 1, ~~2008~~ 2009, is \$16,539. For each school year thereafter, the
12 allocation for a student with a level five disability shall be the previous fiscal year's
13 allocation for such child increased by the lesser of the index factor or three percent;

14 (12A) "Allocation for a student with a level six disability," for the school fiscal year
15 beginning July 1, ~~2008~~ 2009, is \$8,438. For each school year thereafter, the allocation
16 for a student with a level six disability shall be the previous fiscal year's allocation
17 for such child increased by the lesser of the index factor or three percent;

18 (13) "Child count," is the number of students in need of special education or special
19 education and related services according to criteria set forth in rules promulgated
20 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education in
21 accordance with rules promulgated pursuant to § 13-37-1.1;

22 (14) "Fall enrollment," the number of kindergarten through twelfth grade pupils enrolled
23 in all schools operated by the school district on the last Friday of September of the
24 previous school year minus the number of students for whom the district receives

1 tuition, except any nonresident student who is in the care and custody of a state
2 agency and is attending a public school and any student for whom tuition is being
3 paid pursuant to § 13-28-42.1, plus the number of students for whom the district pays
4 tuition;

5 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
6 secretary of education for the purpose of instructing children of compulsory school
7 age. This definition excludes any school that receives a majority of its revenues from
8 public funds;

9 (16) "Nonpublic fall enrollment," until June 30, 2008, the number of children under age
10 sixteen, and beginning July 1, 2009, the number of children under age eighteen, who
11 are approved for alternative instruction pursuant to § 13-27-2 on the last Friday of
12 September of the previous school year plus:

13 (a) For nonpublic schools located within the boundaries of a public school district
14 with a fall enrollment of six hundred or more on the last Friday of September
15 of the previous school year, the number of kindergarten through twelfth grade
16 pupils enrolled on the last Friday of September of the previous regular school
17 year in all nonpublic schools located within the boundaries of the public
18 school district;

19 (b) For nonpublic schools located within the boundaries of a public school district
20 with a fall enrollment of less than six hundred on the last Friday of September
21 of the previous school year, the number of resident kindergarten through
22 twelfth grade pupils enrolled on the last Friday of September of the previous
23 school year in all nonpublic schools located within the State of South Dakota;

24 (17) "Special education fall enrollment," fall enrollment plus nonpublic fall enrollment;

1 (18) "Local need," an amount to be determined as follows:

2 (a) Multiply the special education fall enrollment by 0.1062 and multiply the
3 result by the allocation for a student with a level one disability;

4 (b) Multiply the number of students having a level two disability as reported on
5 the child count for the previous school fiscal year by the allocation for a
6 student with a level two disability;

7 (c) Multiply the number of students having a level three disability as reported on
8 the child count for the previous school fiscal year by the allocation for a
9 student with a level three disability;

10 (d) Multiply the number of students having a level four disability as reported on
11 the child count for the previous school fiscal year by the allocation for a
12 student with a level four disability;

13 (e) Multiply the number of students having a level five disability as reported on
14 the child count for the previous school fiscal year by the allocation for a
15 student with a level five disability;

16 (f) Multiply the number of students having a level six disability as reported on the
17 child count for the previous school fiscal year by the allocation for a student
18 with a level six disability;

19 (g) Sum the results of (a) through (f);

20 (19) "Effort factor," for taxes payable in 2011, 2012, 2013, 2014, and 2015, the effort
21 factor is the amount of taxes payable for the year divided by the amount of local
22 effort as calculated in subdivision (7). The maximum effort factor is 1.0.