

State of South Dakota

SEVENTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 1997

400A0388

SENATE ENGROSSED NO. **SB72** - 2/21/97

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state aid to education
2 and to require a legislative interim study of educational opportunities and to declare an
3 emergency.

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

5 Section 1. That subdivision (4) of § 13-13-10.1 be amended to read as follows:

6 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
7 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
8 allocation ~~shall be \$3,350 increased by the index factor~~ is \$3,451. Each school fiscal
9 year thereafter, the per student allocation shall be the previous fiscal year's per student
10 allocation increased by the index factor;

11 Section 2. That subdivision (4) of § 13-37-35 be amended to read as follows:

12 (4) "Allocation for a student with a mild disability," for the period January 1, 1997,
13 through June 30, 1997, is \$807. For school fiscal year beginning July 1, 1997, the
14 allocation for a student with a mild disability ~~shall be \$1,614 increased by the lesser~~
15 ~~of the index factor or three percent~~ is \$1,635. For each school year thereafter, the

1 allocation for a student with a mild disability shall be the previous fiscal year's
2 allocation for such child increased by the lesser of the index factor or three percent;

3 Section 3. That subdivision (5) of § 13-37-35 be amended to read as follows:

4 (5) "Allocation for a student with a severe disability," for the period January 1, 1997,
5 through June 30, 1997, is \$9,682. For school fiscal year beginning July 1, 1997, the
6 allocation for a child with a severe disability ~~shall be \$19,364 increased by the lesser~~
7 ~~of the index factor or three percent~~ is \$19,614. For each school year thereafter, the
8 allocation for a child with a severe 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 Section 4. That subdivision (4) of section 1 of chapter 108 of the 1996 Session Laws be
11 amended to read as follows:

12 (4) "Allocation for a student with a mild disability," for the period January 1, 1997,
13 through June 30, 1997, is \$892. For school fiscal year beginning July 1, 1997, the
14 allocation for a student with a mild disability ~~shall be \$1,785 increased by the lesser~~
15 ~~of the index factor or three percent~~ is \$1,808. For each school year thereafter, the
16 allocation for a student with a mild disability shall be the previous fiscal year's
17 allocation for such child increased by the lesser of the index factor or three percent;

18 Section 5. That subdivision (5) of section 1 of chapter 108 of the 1996 Session Laws be
19 amended to read as follows:

20 (5) "Allocation for a student with a severe disability," for the period January 1, 1997,
21 through June 30, 1997, is \$10,707. For school fiscal year beginning July 1, 1997, the
22 allocation for a child with a severe disability ~~shall be \$21,415 increased by the lesser~~
23 ~~of the index factor or three percent~~ is \$21,692. For each school year thereafter, the
24 allocation for a child with a severe disability shall be the previous fiscal year's
25 allocation for such child increased by the lesser of the index factor or three percent;

Section 6. That § 13-13-73 be amended to read as follows:

13-13-73. The secretary of the Department of Education and Cultural Affairs shall compute state aid to education for each school district under the foundation program according to the following calculations:

- (1) Determine each school district's average daily membership;
- (2) Multiply the per student allocation by the adjusted average daily membership to arrive at the local need per district;
- (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a negative number;
- (4) If the state aid appropriation for the general support of education is in excess of the entitlement provided for in this section, ~~each eligible district shall receive a pro rata share of such excess based on its adjusted average daily membership~~ the excess shall be used to fund any shortfall of the appropriation as provided for in §§ 13-37-36 and 13-37-43. The secretary shall report to the Governor by January seventh of each year, the amount of state aid necessary to fully fund the general aid formula in the current year. If a shortfall in the state aid appropriation for general education exists that cannot be covered by § 13-37-45, the Governor shall inform the Legislature and provide a proposal to eliminate the shortfall.

Section 7. That § 13-37-45 be amended to read as follows:

13-37-45. Any funds appropriated as state aid for special education which are not distributed according to §§ 13-37-36 or 13-37-43 shall be used to fund any shortfall of the appropriation provided for in § 13-13-73. The remaining funds shall be allocated by the secretary of the Department of Education and Cultural Affairs for the purposes specified in §§ 13-37-38, 13-37-39 or 13-37-40. The secretary shall report to the Governor by January seventh of each year, the amount of state aid necessary to fully fund the special education formula in the current

1 year. If a shortfall in the state aid appropriation for special education exists that cannot be
2 covered by § 13-13-73, the Governor shall inform the Legislature and provide a proposal to
3 eliminate the shortfall.

4 Section 8. The Executive Board of the Legislative Research Council shall appoint an interim
5 study committee to conduct a thorough review of the educational opportunities available to
6 students across the state and whether or not those opportunities are equally accessible to
7 students in both large and small school districts.

8 Section 9. Whereas, this Act is necessary for the support of the state government and its
9 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
10 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/14/97 First read in Senate and referred to Appropriations. S.J. 25

3 1/23/97 Scheduled for Committee hearing on this date.

4 2/3/97 Scheduled for Committee hearing on this date.

5 2/3/97 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 275

6 2/5/97 Deferred to another day. S.J. 327

7 2/11/97 Deferred to another day. S.J. 389

8 2/19/97 Deferred to another day. S.J. 528

9 2/20/97 Motion to Amend, Passed, AYES 20, NAYS 14. S.J. 557

10 2/20/97 Motion to Amend, Passed, AYES 19, NAYS 16.

11 2/20/97 Motion to Amend, Failed, AYES 14, NAYS 21. S.J. 559

12 2/20/97 Senate Do Pass Amended, Passed, AYES 30, NAYS 5. S.J. 559

13 2/20/97 Senate Title Amended. S.J. 560