State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

271B0614

SENATE BILL NO. 120

Introduced by: Senators Everist, Munson (David), and Rounds and Representatives Cutler, Brown (Richard), Eccarius, and Richter

1   FOR AN ACT ENTITLED, An Act to require a school district to levy the maximum special

2   education tax levy to qualify for state aid to special education.

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

4   Section 1. That § 13-37-35 be amended to read as follows:

5   13-37-35. Terms used in §§ 13-37-35 to 13-37-47, inclusive, mean:

6   (1)   "Average daily membership," the average number of kindergarten through twelfth

7   grade pupils enrolled in all schools operated by the school district during the previous

8   regular school year minus the average number of pupils for whom the district receives

9   tuition and plus the average number of pupils for whom the district pays tuition;

10   (2)   "Index factor," is the annual percentage change in the consumer price index for urban

11   wage earners and clerical workers as computed by the Bureau of Labor Statistics of

12   the United States Department of Labor for the year before the year immediately

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

14   (3)   "Local effort," is the amount of taxes payable each year, using the maximum levy for

15   the special education fund of a school district of one dollar and forty cents per

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Insertions into existing statutes are indicated by <u>underscores</u>.
Deletions from existing statutes are indicated by ~~overstrikes~~.

1   thousand dollars of taxable valuation. The levy shall be based on valuations including

2   valuations pursuant to §§ 13-13-10.2 and 13-13-20.4 such that the median level of

3   assessment represents 85% of market value as determined by the Department of

4   Revenue. For the period January 1, 1997, through June 30, 1997, local effort shall be

5   one-half of the amount of taxes payable in calendar year 1997, using the maximum

6   levy for the special education fund of a school district of one dollar and forty cents per

7   thousand dollars of taxable valuation. The levy shall be based on valuations such that

8   the median level of assessment represents 85% of market value as determined by the

9   Department of Revenue;

10   (4)   "Allocation for a student with a mild disability," for the period January 1, 1997,

11   through June 30, 1997, is $807. For school fiscal year beginning July 1, 1997, the

12   allocation for a student with a mild disability shall be $1,614 increased by the lesser

13   of the index factor or three percent. For each school year thereafter, the allocation for

14   a student with a mild disability shall be the previous fiscal year's allocation for such

15   child increased by the lesser of the index factor or three percent;

16   (5)   "Allocation for a student with a severe disability," for the period January 1, 1997,

17   through June 30, 1997, is $9,682. For school fiscal year beginning July 1, 1997, the

18   allocation for a child with a severe disability shall be $19,364 increased by the lesser

19   of the index factor or three percent. For each school year thereafter, the allocation for

20   a child with a severe disability shall be the previous fiscal year's allocation for such

21   child increased by the lesser of the index factor or three percent;

22   (6)   "Local need," an amount to be determined as follows:

23   (a)   For a school district with an average daily membership of less than 13,000:

24   (i)   Multiply the average daily membership times 0.1025;

25   (ii)   Multiply the result of (i) times the allocation for a student with a mild

1   disability;

2   (iii)   Multiply the average daily membership times 0.015;

3   (iv)   Multiply the result of (iii) times the allocation for a student with a severe

4   disability;

5   (v)   Add together the result of (ii) and the result of (iv);

6   (b)   For a school district with an average daily membership greater than 13,000:

7   (i)   Multiply the average daily membership times 0.1025;

8   (ii)   Multiply the result of (i) times the allocation for a student with a mild

9   disability;

10   (iii)   Subtract 13,000 from the average daily membership, the difference of

11   which is multiplied times 0.0000034, the result of which is added to

12   0.015;

13   (iv)   Multiply the average daily membership times the lesser of the result of

14   (iii) or 0.03;

15   (v)   Multiply the result of (iv) times the allocation for a student with a severe

16   disability;

17   (vi)   Add together the result of (ii) and the result of (v);

18   (7)   "Student with mild disability," is a student whose performance level is not sufficient

19   to demonstrate success in the regular education environment without the provision

20   of special education, who meets eligibility criteria under Part B, IDEA, and who has

21   been identified as a student in need of special education or special education and

22   related services according to criteria set forth in rules promulgated pursuant to

23   § 13-37-46;

24   (8)   "Student with severe disability," is a student with a low-incidence disability who:

25   (a)   Meets eligibility criteria under Part B, IDEA;

1   (b)   Has been identified as a student in need of special education or special

2   education and related services according to criteria set forth in rules

3   promulgated pursuant to § 13-37-46; and

4   (c)   Presents needs which require intervention skills which are substantially

5   different from those provided to nondisabled students, in that the skills are

6   disability-specific and require special training, equipment, and facilities to

7   perform;

8   (9)   "Effort factor," ~~the school district's special education tax levy in dollars per thousand~~

9   ~~divided by $1.40~~ <u>1.0 if the school district's special education tax levy in dollars per</u>

10   <u>thousand is $1.40, 0.0 if the school district's levy in dollars per thousand is less than</u>

11   <u>$1.40</u>.

12   Section 2. That subdivision (9) of section 12 of chapter 98 of the 1997 Session Laws be

13   amended to read as follows:

14   (9)   "Effort factor," 1.0 if the school district's special education tax levy in dollars per

15   thousand is $1.40, 0.0 if the school district's special education tax levy in dollars per

16   thousand is less than ~~$1.30~~ <u>$1.40</u>.