

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

901E0432

SENATE BILL NO. 71

Introduced by: Senators Volesky, Hutmacher, McIntyre, and Sutton (Dan) and
Representatives Hargens, Hundstad, Nachtigal, and Olson (Mel)

1 FOR AN ACT ENTITLED, An Act to revise the index factor in the state aid to education
2 formula.

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

4 Section 1. That § 13-13-10.1 be amended to read as follows:

5 13-13-10.1. Terms used in this chapter mean:

6 (1) " Average daily membership," the average number of resident and nonresident
7 kindergarten through twelfth grade pupils enrolled in all schools operated by the
8 school district during the previous regular school year, minus average number of
9 pupils for whom the district receives tuition, except pupils described in subdivision
10 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
11 average number of pupils for whom the district pays tuition;

12 (1A) Nonresident students who are in the care and custody of the Department of Social
13 Services, the Unified Judicial System, the Department of Corrections, or other state
14 agencies and are attending a public school may be included in the average daily
15 membership of the receiving district when enrolled in the receiving district. When

1 counting a student who meets these criteria in its general enrollment average daily
2 membership, the receiving district may begin the enrollment on the first day of
3 attendance. The district of residence prior to the custodial transfer may not include
4 students who meet these criteria in its general enrollment average daily membership
5 after the student ceases to attend school in the resident district;

6 (2) "Adjusted average daily membership," calculated as follows:

7 (a) For districts with an average daily membership of two hundred or less, multiply
8 1.2 times the average daily membership;

9 (b) For districts with an average daily membership of less than six hundred, but
10 greater than two hundred, raise the average daily membership to the 0.8293
11 power and multiply the result times 2.98;

12 (c) For districts with an average daily membership of six hundred or more,
13 multiply 1.0 times their average daily membership;

14 (3) "Index factor," is the annual percentage change in the consumer price index for urban
15 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
16 the United States Department of Labor for the year before the year immediately
17 preceding the year of adjustment or ~~three~~ five percent, whichever is ~~less~~ greater;

18 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
19 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
20 allocation shall be \$3,350 increased by the index factor. Each school fiscal year
21 thereafter, the per student allocation shall be the previous fiscal year's per student
22 allocation increased by the index factor;

23 (5) "Local need," the per student allocation multiplied by the adjusted average daily
24 membership;

1 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
2 applying the levies established pursuant to § 10-12-42.

3 Section 2. That § 13-37-35.1 be amended to read as follows:

4 13-37-35.1. Terms used in chapter 13-37 mean:

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

6 (2) "Level two disability," a mental retardation or emotional disorder;

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

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

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

11 (6) "Index factor," is the annual percentage change in the consumer price index for urban
12 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
13 the United States Department of Labor for the year before the year immediately
14 preceding the year of adjustment or ~~three~~ five percent, whichever is ~~less~~ greater;

15 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
16 education fund of a school district of one dollar and thirty cents per thousand dollars
17 of taxable valuation;

18 (8) "Allocation for a student with a level one disability," for the school fiscal year
19 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
20 a student with a level one disability shall be the previous fiscal year's allocation for
21 such child increased by the ~~lesser of the index factor or three percent~~;

22 (9) "Allocation for a student with a level two disability," for the school fiscal year
23 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
24 a student with a level two disability shall be the previous fiscal year's allocation for

- 1 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, 1999, is \$10,116. For each school year thereafter, the allocation for
4 a student with a level three disability shall be the previous fiscal year's allocation for
5 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, 1999, is \$14,705. For each school year thereafter, the allocation for
8 a student with a level four disability shall be the previous fiscal year's allocation for
9 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, 1999, is \$15,808. For each school year thereafter, the allocation for
12 a student with a level five disability shall be the previous fiscal year's allocation for
13 such child increased by the ~~lesser of the index factor or three percent~~;
- 14 (13) "Child count," is the number of students in need of special education or special
15 education and related services according to criteria set forth in rules promulgated
16 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education
17 and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;
- 18 (14) "Average daily membership," the average number of kindergarten through twelfth
19 grade pupils enrolled in all schools operated by the school district during the previous
20 regular school year plus the average number of pupils for whom the district pays
21 tuition;
- 22 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
23 secretary of education and cultural affairs for the purpose of instructing children of
24 compulsory school age. This definition excludes any school that receives a majority

1 of its revenues from public funds;

2 (16) "Nonpublic average daily membership," the average number of children under age
3 sixteen who are approved for alternative instruction pursuant to § 13-27-2 during the
4 previous school year plus:

5 (a) For nonpublic schools located within the boundaries of a public school district
6 with an average daily membership of six hundred or more during the previous
7 school year, the average number of kindergarten through twelfth grade pupils
8 enrolled during the previous regular school year in all nonpublic schools
9 located within the boundaries of the public school district;

10 (b) For nonpublic schools located within the boundaries of a public school district
11 with an average daily membership of less than six hundred during the previous
12 school year, the average number of resident kindergarten through twelfth grade
13 pupils enrolled during the previous school year in all nonpublic schools located
14 within the State of South Dakota;

15 (17) "Special education average daily membership," average daily membership plus
16 nonpublic average daily membership;

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

18 (a) Multiply the special education average daily membership by 0.089 and multiply
19 the result by the allocation for a student with a level one disability;

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

23 (c) Multiply the number of students having a level three disability as reported on
24 the child count for the previous school fiscal year by the allocation for a

- 1 student with a level three disability;
- 2 (d) Multiply the number of students having a level four disability as reported on the
- 3 child count for the previous school fiscal year by the allocation for a student
- 4 with a level four disability;
- 5 (e) Multiply the number of students having a level five disability as reported on the
- 6 child count for the previous school fiscal year by the allocation for a student
- 7 with a level five disability;
- 8 (f) Sum the results of (a) through (e);
- 9 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
- 10 divided by \$1.30. The maximum effort factor is 1.0.