

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

372E0709

## HOUSE BILL NO. 1189

Introduced by: Representatives Kooistra and Flowers and Senators Drake and Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise the method for determining average daily  
2 membership as it applies to the state aid to education 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 three-year average number of resident and  
7 nonresident kindergarten through twelfth grade pupils enrolled in all schools operated  
8 by the school district during the previous three regular school year years, minus  
9 average number of pupils for whom the district receives tuition, except pupils  
10 described in subdivision (1A) and pupils for whom tuition is being paid pursuant to  
11 § 13-28-42 and plus the 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 percent, whichever is less;

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.