

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0339

## SENATE EDUCATION ENGROSSED NO. **SB 63** - 1/28/2010

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of a pilot charter school  
2 in South Dakota if the Department of Education receives a federal grant to fund it.

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

4 Section 1. If the Department of Education receives a federal grant under the American  
5 Recovery and Reinvestment Act of 2009, Division A, Section 14006, Pub. L. No. 111-5 as  
6 amended to January 1, 2010, the department shall initiate a pilot charter school primarily for  
7 American Indian students from federally recognized tribes that is infused with cultural activities.  
8 The curriculum of the school shall emphasize science, technology, engineering, and  
9 mathematics as well as American Indian culture.

10 Section 2. Any entity seeking to establish the pilot charter school shall submit a written plan  
11 to the South Dakota Board of Education. The written plan shall include the following:

- 12 (1) A detailed business plan for the private charter school;  
13 (2) A mission statement for the school;  
14 (3) A description of the school's organizational structure that shall include an advisory



1 council of no less than five, but no more than nine members;

2 (4) A financial plan for the first three years of operation of the school;

3 (5) A description of the school's location and facilities;

4 (6) A description of the grade levels that will be served;

5 (7) An assurance that state content standards will be addressed;

6 (8) An assurance that federal and state academic accountability measures will be met;

7 and

8 (9) An outline of the criteria that will be used to measure the effectiveness of the school.

9 The Board of Education may request revisions to any written plan submitted and may  
10 approve any plan that meets the requirements in this section.

11 Section 3. Any pilot charter school established pursuant to this Act shall be public,  
12 nonsectarian, nonreligious, nonhome based, and nonprofit.

13 Section 4. American Indian students from federally recognized tribes shall be given  
14 enrollment priority at the pilot charter school. In its first year of operation, the school may enroll  
15 students on either a first-come, first-served basis, or through a lottery selection process if the  
16 total number of applicants exceeds the number of spaces available at the school. In subsequent  
17 years of its operation, the school shall give preference to:

18 (1) Students who have been admitted to the pilot charter school through the approved  
19 admission process, and remain in attendance through subsequent grades; and

20 (2) Siblings of students already admitted to or attending the pilot charter school.

21 Section 5. Any pilot charter school established pursuant to this Act shall exist as an  
22 independent local education agency. All students enrolled in the pilot charter school shall be  
23 counted for the purposes of determining adequate yearly progress under the terms of the state  
24 accountability system established pursuant to § 13-3-69.

1 For the purposes of calculating state aid to general education distributed pursuant to chapter  
2 13-13, South Dakota students enrolled in the school shall be counted in the pilot charter school's  
3 fall enrollment, and the state's financial obligation may not exceed the amounts set forth in  
4 chapter 13-13.

5 For the purposes of calculating state aid to special education distributed pursuant to chapter  
6 13-37, any student in need of special education or special education and related services enrolled  
7 in the pilot charter school shall remain the financial responsibility of the student's resident  
8 school district.

9 Section 6. No pilot charter school established pursuant to this Act may generate or request  
10 local property tax revenue from the school district in which the school resides. Any expenditures  
11 of the pilot charter school that result in the acquisition or lease of or additions to real property,  
12 plant, or equipment that would, in a school district, be paid from the school district's capital  
13 outlay fund set forth in § 13-16-6, are the financial responsibility of the entity establishing the  
14 pilot charter school.

15 Section 7. The charter of the pilot charter school shall:

- 16 (1) Document compliance with federal, state, and local rules, regulations, and statutes  
17 relating to health, safety, civil rights, and insurance;
- 18 (2) Assure that the pilot charter school is nonsectarian in its programs, admissions  
19 policies, employment practices, and all other operations;
- 20 (3) Assure that the pilot charter school provides a comprehensive program of instruction  
21 for grades nine through twelve and two years of postsecondary education;
- 22 (4) Assure that the pilot charter school meets all state laws and state administrative rules  
23 relating to schools, governing boards, and school districts;
- 24 (5) Assure cooperation with the Department of Education or the auditor general in any

1 financial, program, or compliance audits conducted in addition to those required  
2 pursuant to § 4-11-7.1; and

3 (6) Document compliance with all federal and state laws relating to the education of  
4 children with disabilities in the same manner as a school district.

5 The charter of any pilot charter school established pursuant to this Act is effective for five  
6 years and may be amended at the request of the advisory council if the amendments are  
7 approved by the South Dakota Board of Education. A plan for renewal of the pilot charter  
8 school must be made to the Board of Education every five years.

9 Section 8. Any pilot charter school organized pursuant to this Act is eligible to apply for and  
10 receive federal grant funding.

11 Section 9. Any pilot charter school organized pursuant to this Act shall participate in the  
12 state retirement system established in chapter 3-12. The school may be exempt from continuing  
13 contract laws set forth in chapter 13-43, and its employee contracts may be collectively  
14 bargained.

15 Section 10. If a student previously enrolled in a pilot charter school enrolls in a public  
16 school in the state, the public school shall accept credits earned by the students in courses or  
17 instructional programs at the pilot charter school in a uniform and consistent manner, and  
18 according to the same criteria used to accept academic credits from other public schools.