

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

640B0456

## SENATE EDUCATION COMMITTEE

### ENGROSSED NO. **SB94** - 2/11/98

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

Introduced by: Senators Hutmacher, Olson, and Rounds and Representatives Lucas, Brown (Richard), Haley, Madden, and Waltman

1 FOR AN ACT ENTITLED, An Act to provide for the payment of tuition for students who have  
2 been assigned to another school district.

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

4 Section 1. That section 17 of chapter 98 of the 1997 Session Laws be repealed.

5 Section 2. That section 18 of chapter 98 of the 1997 Session Laws be repealed.

6 Section 3. That section 22 of chapter 98 of the 1997 Session Laws be repealed.

7 Section 4. That § 13-28-23 be amended to read as follows:

8 13-28-23. If a student has been assigned by the school board of the district where the student  
9 has a school residence or has been assigned as provided by statute, that school board shall pay  
10 the student's tuition. The school boards shall take action on any request regarding the  
11 establishment of the tuition rate or the payment of tuition within forty-five days after receiving  
12 the request. The school board may negotiate the rate of tuition with a school board or any other  
13 payer. A school board's decision with respect to the student assignment may be appealed to the  
14 circuit court in the time and manner specified by § 13-46-1 ~~or to the secretary of the Department~~

1 ~~of Education and Cultural Affairs within thirty days from the date of the decision of the school~~  
2 ~~board by filing a notice with the secretary of the school board and mailing a copy of the notice~~  
3 ~~to the secretary of the Department of Education and Cultural Affairs.~~ The board shall take into  
4 consideration when negotiating the rate of tuition the average cost of educating a student in the  
5 district including transportation if required.

6 Section 5. That § 13-28-38 be amended to read as follows:

7 13-28-38. Tuition required pursuant to § 13-28-22 may be waived if agreed to by the school  
8 boards involved. Notwithstanding §§ 13-6-85, 13-28-9, 13-28-10, 13-28-20, and 13-28-21, the  
9 decision of a school board to waive or not to waive tuition is final except as specifically provided  
10 in this section. If a school board agrees to waive tuition, the district receiving the student may  
11 count the student for state funding formula purposes and is entitled to reimbursement for that  
12 student through the state funding formula. Any request for a waiver of tuition shall be made to  
13 the affected school boards by the parent or guardian of the affected student. The school boards  
14 shall take action on the request within forty-five days after receiving the request. A school  
15 board's decision pursuant to this section may be appealed to the circuit court in the time and  
16 manner specified by § 13-46-1 ~~or to the secretary of the Department of Education and Cultural~~  
17 ~~Affairs within thirty days from the date of the decision of the school board by filing a notice with~~  
18 ~~the secretary of the school board and mailing a copy of the notice to the secretary of the~~  
19 ~~Department of Education and Cultural Affairs.~~ The granting of any waiver is not a legal  
20 precedent for any future request for waiver.

1    **BILL HISTORY**

2    1/20/98 First read in Senate and referred to Education. S.J. 117

3    2/9/98 Scheduled for Committee hearing on this date.

4    2/11/98 Scheduled for Committee hearing on this date.

5    2/11/98 Education Do Pass Amended, Passed, AYES 7, NAYS 0.