

AN ACT

ENTITLED, An Act to provide certain incentives for school consolidation and to require cooperative education service units to provide certain information to the Department of Education and Cultural Affairs and to clarify provisions relating to the transportation of certain students.

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

Section 1. That § 13-13-1.4 be amended to read as follows:

13-13-1.4. If two or more school districts consolidate, for a period of four years after consolidation, the adjusted average daily membership for the newly formed district shall be based upon the general enrollment average daily membership as defined in § 13-13-10.1 of those school districts that have not previously benefited from this section as they existed prior to consolidation. In years two to four, inclusive, after the consolidation, the relationship between the adjusted average daily membership and general enrollment average daily membership shall be proportional to the relationship that existed for the first year.

Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as follows:

In years five to eight, inclusive, after the consolidation of two or more school districts, the adjusted average daily membership for the newly formed district shall be calculated as follows:

- (1) Calculate adjusted average daily membership pursuant to § 13-13-10.1;
- (2) Notwithstanding the four-year time limit, calculate adjusted average daily membership pursuant to § 13-13-1.4;
- (3) Subtract the results of subdivision (1) from the results of subdivision (2);
- (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent in the sixth year, forty percent in the seventh year, and twenty percent in the eighth year;
- (5) Add the results of subdivision (1) and the results of subdivision (4).

Section 3. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as

follows:

If two or more school districts consolidate, for a period of four years after consolidation, the newly formed district may opt to have its state aid calculated based on the school districts as they existed prior to consolidation. In years two to four, inclusive, after the consolidation of two or more school districts, the adjusted average daily memberships and the local efforts of the former districts may be based upon a pro-rata share of the adjusted average daily membership and local effort of the newly formed district as compared to the adjusted average daily memberships and the local efforts of the former districts in the first year. Any district that opts to benefit from this section shall notify the secretary of the Department of Education and Cultural Affairs of its intent to do so as part of its reorganization plan. A district that benefits from this section may not benefit from § 13-13-10.1 or section 2 of this Act simultaneously, or in future years.

Section 4. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as follows:

In years five to eight, inclusive, after the consolidation of two or more school districts that opted to benefit from section 3 of this Act, state aid shall be calculated as follows:

- (1) Calculate state aid pursuant to § 13-13-73;
- (2) Notwithstanding the four-year time limit, calculate state aid pursuant to section 3 of this Act;
- (3) Subtract the results of subdivision (1) from the results of subdivision (2);
- (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent in the sixth year, forty percent in the seventh year, and twenty percent in the eighth year;
- (5) Add the results of subdivision (1) and the results of subdivision (4).

Section 5. That chapter 13-5 be amended by adding thereto a NEW SECTION to read as follows:

Cooperative education service units organized pursuant to this chapter shall file annually with the Department of Education and Cultural Affairs audits of their operation and disclosure statements of

all funding sources.

Section 6. That § 13-28-45 be amended to read as follows:

13-28-45. The parent or guardian of a student who has been accepted for transfer is responsible for transporting the student to school in the receiving district without reimbursement. Either the district of residence or the receiving district may provide transportation to students approved for transfer. The provisions of § 13-29-4 do not apply when transporting students enrolled under the provisions of §§ 13-28-40 to 13-28-47. The receiving district may charge a reasonable fee if the student elects to use the transportation services offered by the receiving district.

An Act to provide certain incentives for school consolidation and to require cooperative education service units to provide certain information to the Department of Education and Cultural Affairs and to clarify provisions relating to the transportation of certain students.

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I certify that the attached Act originated in the

SENATE as Bill No. 209

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 209  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State