

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

228D0221

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1265** - 2/1/00

Introduced by: Representatives Hunt, Apa, Duenwald, Eccarius, Fryslie, Heineman, Klaudt, Koskan, McCoy, Monroe, Napoli, and Young and Senators Madden, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish an education voucher system to pay a portion
2 of costs paid by students enrolled in certain nonpublic schools.

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

4 Section 1. Effective July 1, 2001, the State of South Dakota shall make available an
5 education voucher, in an amount specified by the provisions of this Act, to a parent or guardian
6 of each student enrolled in kindergarten through grade twelve, inclusive, as provided by this Act.

7 Section 2. Terms used in this Act mean:

- 8 (1) "Department," the Department of Education and Cultural Affairs;
- 9 (2) "Public school," a school that receives a majority of its revenues from public funds;
- 10 (3) "Qualified applicant", a parent or guardian of a voucher student, whose voucher
11 application is approved by the department;
- 12 (4) "Voucher school," an accredited, nonpublic, nongovernmental school that offers
13 instruction at one or more grade levels from kindergarten through grade twelve,
14 inclusive, physically located in South Dakota which provides instruction each year for
15 at least the number of days and hours set forth in §§ 13-26-2 and 13-26-2.1; which

1 does not discriminate on the basis of race, gender, or disability; and which conducts
2 academic achievement testing similar to that required for public school districts by
3 § 13-3-55; and

4 (5) “Voucher student,” a minor, who is enrolled in or attending a voucher school.

5 Section 3. A parent or guardian of each kindergarten through twelfth grade student who
6 desires to enroll in a voucher school may file a voucher application form with the department
7 anytime before the end of the school year. The department shall issue a voucher to each qualified
8 applicant within thirty days of the end of the school year.

9 Section 4. To be eligible to receive an education voucher, the parent or guardian shall
10 provide the department with information which verifies that the voucher student has met the
11 following requirements:

12 (1) The voucher student has attended a voucher school for the entire academic year for
13 which the voucher is provided;

14 (2) The voucher student has paid tuition of at least five hundred dollars to the voucher
15 school for the academic year;

16 (3) The voucher school has certified the attendance and payment as required in
17 subdivisions (1) and (2).

18 Section 5. The amount of the voucher is one-third of the per student allocation as defined
19 in § 13-13-10.1 as of July 1, 2000. The voucher amount shall be adjusted each year by the index
20 factor as defined in § 13-13-10.1. However, the amount of the voucher may not exceed the
21 amount paid for the student to the voucher school for tuition.

22 Section 6. For each voucher student who received a voucher, the school district in which
23 the voucher student's parent or guardian resides may add one-third of one student to the school
24 district's general enrollment average daily membership, as defined in § 13-13-10.

25 Section 7. In the first year only of the education voucher program established by this Act,

1 the amount of the voucher, as provided in section 5 of this Act, for any voucher student who
2 attended a voucher school during the previous year shall be reduced by fifty percent.

3 Section 8. If any voucher student attended a public school during the year prior to attending
4 a voucher school, the amount of the educational voucher for the voucher student for the first
5 year the voucher student is enrolled in the voucher school shall be reduced by fifty percent.

6 Section 9. No school district is responsible for the provision of transportation for any
7 voucher student.

8 Section 10. If the average academic achievement test scores at a voucher school for two
9 consecutive years fail to exceed national averages for the test, the department may decline to pay
10 any voucher for any voucher student attending the voucher school during the next academic year.

11 Section 11. The department shall promulgate rules pursuant to chapter 1-26 to provide, in
12 accordance with the provisions of this Act, for the issuance and payment of vouchers.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 196

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 300