

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0237

HOUSE BILL NO. 1081

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

1 FOR AN ACT ENTITLED, An Act to revise the local effort levy and effort factor for the
2 purposes of calculating the payment of state aid to special education.

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

4 Section 1. That § 13-37-35.1 be amended to read as follows:

5 13-37-35.1. Terms used in chapter 13-37 mean:

6 (1) "Level one disability," a mild disability;

7 (2) "Level two disability," a mental retardation or emotional disorder;

8 (3) "Level three disability," hearing impairment, deafness, visual impairment,
9 deaf-blindness, orthopedic impairment, or traumatic brain injury;

10 (4) "Level four disability," autism;

11 (5) "Level five disability," multiple disabilities;

12 (5A) "Level six disability," prolonged assistance;

13 (6) "Index factor," is the annual percentage change in the consumer price index for urban
14 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
15 the United States Department of Labor for the year before the year immediately
16 preceding the year of adjustment or three percent, whichever is less;



- 1 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
2 education fund of a school district of one dollar and ~~thirty~~ twenty-five cents per
3 thousand dollars of taxable valuation;
- 4 (8) "Allocation for a student with a level one disability," for the school fiscal year
5 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
6 a student with a level one disability shall be the previous fiscal year's allocation for
7 such child increased by the lesser of the index factor or three percent;
- 8 (9) "Allocation for a student with a level two disability," for the school fiscal year
9 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
10 a student with a level two disability shall be the previous fiscal year's allocation for
11 such child increased by the lesser of the index factor or three percent;
- 12 (10) "Allocation for a student with a level three disability," for the school fiscal year
13 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
14 a student with a level three disability shall be the previous fiscal year's allocation for
15 such child increased by the lesser of the index factor or three percent;
- 16 (11) "Allocation for a student with a level four disability," for the school fiscal year
17 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for
18 a student with a level four disability shall be the previous fiscal year's allocation for
19 such child increased by the lesser of the index factor or three percent;
- 20 (12) "Allocation for a student with a level five disability," for the school fiscal year
21 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for
22 a student with a level five disability shall be the previous fiscal year's allocation for
23 such child increased by the lesser of the index factor or three percent;
- 24 (12A) "Allocation for a student with a level six disability," for the school fiscal year

1 beginning July 2001, is \$1,608. For each school year thereafter, the allocation for a
2 student with a level six disability shall be the previous fiscal year's allocation for such
3 child increased by the lesser of the index factor or three percent;

4 (13) "Child count," is the number of students in need of special education or special
5 education and related services according to criteria set forth in rules promulgated
6 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education in
7 accordance with rules promulgated pursuant to § 13-37-1.1;

8 (14) "Average daily membership," the average number of kindergarten through twelfth
9 grade pupils enrolled in all schools operated by the school district during the previous
10 regular school year plus the average number of pupils for whom the district pays
11 tuition;

12 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
13 secretary of education for the purpose of instructing children of compulsory school
14 age. This definition excludes any school that receives a majority of its revenues from
15 public funds;

16 (16) "Nonpublic average daily membership," the average number of children under age
17 sixteen who are approved for alternative instruction pursuant to § 13-27-2 during the
18 previous school year plus:

19 (a) For nonpublic schools located within the boundaries of a public school district
20 with an average daily membership of six hundred or more during the previous
21 school year, the average number of kindergarten through twelfth grade pupils
22 enrolled during the previous regular school year in all nonpublic schools
23 located within the boundaries of the public school district;

24 (b) For nonpublic schools located within the boundaries of a public school district

1 with an average daily membership of less than six hundred during the previous
2 school year, the average number of resident kindergarten through twelfth grade
3 pupils enrolled during the previous school year in all nonpublic schools
4 located within the State of South Dakota;

5 (17) "Special education average daily membership," average daily membership plus
6 nonpublic average daily membership;

7 (18) "Local need," an amount to be determined as follows:

8 (a) Multiply the special education average daily membership by 0.089 and
9 multiply the result by the allocation for a student with a level one disability;

10 (b) Multiply the number of students having a level two disability as reported on
11 the child count for the previous school fiscal year by the allocation for a
12 student with a level two disability;

13 (c) Multiply the number of students having a level three disability as reported on
14 the child count for the previous school fiscal year by the allocation for a
15 student with a level three disability;

16 (d) Multiply the number of students having a level four disability as reported on
17 the child count for the previous school fiscal year by the allocation for a
18 student with a level four disability;

19 (e) Multiply the number of students having a level five disability as reported on
20 the child count for the previous school fiscal year by the allocation for a
21 student with a level five disability;

22 (f) Multiply the number of students having a level six disability as reported on the
23 child count for the previous school fiscal year by the allocation for a student
24 with a level six disability;

- 1 (g) Sum the results of (a) through (f);
- 2 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
- 3 divided by ~~\$1.30~~ \$1.25. The maximum effort factor is 1.0.