

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

705J0362

HOUSE BILL NO. 1106

Introduced by: Representatives Begalka, Peterson (Jim), and Rhoden and Senators Diedrich (Larry), Kooistra, and Symens

1 FOR AN ACT ENTITLED, An Act to repeal the requirement that school districts operate
2 secondary schools and to place certain financial requirements on school districts that do not
3 operate secondary schools.

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

5 Section 1. That § 13-5-1 be amended to read as follows:

6 13-5-1. Any territory organized for the express purpose of operating not less than a
7 ~~thirteen-year~~ six-year school program and governed by an elected school board is ~~defined to be~~
8 a school district. It may sue and be sued, contract and be contracted with, purchase, hold, and
9 use personal and real property for school purposes, and sell and dispose of the ~~same~~ property.

10 Section 2. That § 13-5-35 be amended to read as follows:

11 13-5-35. ~~No school district may be formed after July 1, 1998, unless it operates both an~~
12 ~~elementary and a secondary school within the boundaries of the district. No existing or newly-~~
13 formed school district need operate a secondary school. However, it shall, at a minimum,
14 operate an elementary school that serves students in kindergarten to grade five, inclusive. Any
15 school district that does not operate a secondary school shall pay to the receiving school district



1 an amount of money for each resident student from the sending district who is enrolled in grades
2 six to twelve, inclusive, in the receiving district. The amount shall be sufficient to offset any
3 additional costs to the receiving school district for the capital outlay fund, special education
4 fund, and pension fund resulting from the student's enrollment and not covered by the student's
5 share of state aid distributed to the receiving district pursuant to chapter 13-13.