

AN ACT

ENTITLED, An Act to revise certain provisions related to school district boundary changes.

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

Section 1. That § 13-6-84.1 be amended to read as follows:

13-6-84.1. In all proposed changes in school district boundaries, the following conditions shall prevail:

- (1) The boundary of the area proposed to be transferred shall be coterminous at some point with the common boundary of the two school districts. Land owned by the federal, state, or local governments and unoccupied land may be included in the request;
- (2) Children must reside within the boundary of the area to be transferred, unless it is an area change initiated by a school board as provided in § 13-6-84.2.

Section 2. That § 13-6-85 be amended to read as follows:

13-6-85. A boundary change, affecting not more than two percent of the assessed valuation and not more than two percent of the tax-exempt acreage or other tax-exempt property to be determined at the discretion of the school district from which the area is to be taken, may be made upon an application for a boundary change to the school board of the school district from which the area is to be taken and to the school board of the school district to which the area is to be annexed, in the form of a petition signed by all of the owners of land, excluding land owned by the state or any other political subdivision in the area to be transferred by the boundary change. Copies of the petitions shall also be delivered by the petitioners to the board of county commissioners having jurisdiction over the school districts affected. Any petitioner who is aggrieved by a decision of the school board under this section may appeal that decision.

An appeal from the decision of the school board may be made to the circuit court in the time and manner specified by § 13-46-1 or to the secretary of the Department of Education or the secretary's

representative within thirty days from the date of the decision of the school board by filing a notice with the secretary of the school board and mailing a copy of the notice to the secretary of the Department of Education. An appeal to the secretary of the Department of Education may be heard by the secretary or the secretary's representative. The secretary of the Department of Education shall thereafter set a time and place for the hearing and give at least ten days' written notice of the hearing to the parties involved in the appeal, including all affected school districts. An appeal to the secretary is not a contested case subject to chapter 1-26. An appeal from the decision of the secretary may be made pursuant to § 13-6-89. On appeal from a decision of the secretary, the appeal shall be heard and determined in the same manner as a direct appeal from the school board decision pursuant to § 13-6-89 and chapter 13-46 without any presumption of the correctness of the decision of the secretary nor may the provisions of § 1-26-36 be applied to the decision of the secretary. Nothing in this section affects the right of an aggrieved party to appeal from the decision of the school board to the circuit court.

An Act to revise certain provisions related to school district boundary changes.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1114

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1114

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State