

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

974J0572

HOUSE BILL NO. 1230

Introduced by: Representatives Heineman and McLaughlin and Senators Jaspers, Dempster,
and Koetzle

1 FOR AN ACT ENTITLED, An Act to require children to attend school until the age of eighteen
2 or until graduation from high school.

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

4 Section 1. That § 13-27-1 be amended to read as follows:

5 13-27-1. Every person having control of a child who is six years old by the first day of
6 September and who has not exceeded the age of ~~sixteen~~ eighteen, shall cause the child to
7 regularly and annually attend some public or nonpublic school for the entire term during which
8 the public school in the district in which the person resides, or the school to which the child is
9 assigned to attend, is in session, until the child reaches the age of ~~sixteen~~ eighteen years or has
10 graduated from high school, unless excused as provided in this chapter.

11 Any child under age six enrolled in any elementary school or kindergarten program is
12 subject to the compulsory attendance statutes of this state. A waiver of the compulsory
13 attendance requirement for children under the age of seven years of age shall be granted by the
14 school district upon the request of the parents.

15 Section 2. That § 13-37-35.1 be amended to read as follows:



1 13-37-35.1. Terms used in chapter 13-37 mean:

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

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

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

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

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

8 (5A) "Level six disability," prolonged assistance;

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

13 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
14 education fund of a school district of one dollar and thirty cents per thousand dollars
15 of taxable valuation;

16 (8) "Allocation for a student with a level one disability," for the school fiscal year
17 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
18 a student with a level one 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 (9) "Allocation for a student with a level two disability," for the school fiscal year
21 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
22 a student with a level two 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 (10) "Allocation for a student with a level three disability," for the school fiscal year

1 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
2 a student with a level three disability shall be the previous fiscal year's allocation for
3 such child increased by the lesser of the index factor or three percent;

4 (11) "Allocation for a student with a level four disability," for the school fiscal year
5 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for
6 a student with a level four 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 (12) "Allocation for a student with a level five disability," for the school fiscal year
9 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for
10 a student with a level five 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 (12A) "Allocation for a student with a level six disability," for the school fiscal year
13 beginning July 2001, is \$1,608. For each school year thereafter, the allocation for a
14 student with a level six disability shall be the previous fiscal year's allocation for such
15 child increased by the lesser of the index factor or three percent;

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

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

24 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the

1 secretary of education for the purpose of instructing children of compulsory school
2 age. This definition excludes any school that receives a majority of its revenues from
3 public funds;

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

7 (a) For nonpublic schools located within the boundaries of a public school district
8 with an average daily membership of six hundred or more during the previous
9 school year, the average number of kindergarten through twelfth grade pupils
10 enrolled during the previous regular school year in all nonpublic schools
11 located within the boundaries of the public school district;

12 (b) For nonpublic schools located within the boundaries of a public school district
13 with an average daily membership of less than six hundred during the previous
14 school year, the average number of resident kindergarten through twelfth grade
15 pupils enrolled during the previous school year in all nonpublic schools
16 located within the State of South Dakota;

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

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

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

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

- 1 (c) Multiply the number of students having a level three disability as reported on
- 2 the child count for the previous school fiscal year by the allocation for a
- 3 student with a level three disability;
- 4 (d) Multiply the number of students having a level four disability as reported on
- 5 the child count for the previous school fiscal year by the allocation for a
- 6 student with a level four disability;
- 7 (e) Multiply the number of students having a level five disability as reported on
- 8 the child count for the previous school fiscal year by the allocation for a
- 9 student with a level five disability;
- 10 (f) Multiply the number of students having a level six disability as reported on the
- 11 child count for the previous school fiscal year by the allocation for a student
- 12 with a level six disability;
- 13 (g) Sum the results of (a) through (f);
- 14 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
- 15 divided by \$1.30. The maximum effort factor is 1.0.