

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

308L0677

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1149** - 02/15/2005

Introduced by: Representatives Dennert, Deadrick, Glenski, Pederson (Gordon), and Rave  
and Senators Bartling, Hanson (Gary), and Moore

1 FOR AN ACT ENTITLED, An Act to allow for cross-border education contracts.

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

3 Section 1. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 A student who resides in a South Dakota school district contiguous to the North Dakota  
6 border may attend school in North Dakota, and a student who resides in a North Dakota school  
7 district contiguous to the South Dakota border may attend school in South Dakota, if the  
8 secretary of the Department of Education has entered into a contract with the North Dakota  
9 superintendent of public instruction for the cross-border attendance of eligible students. Any  
10 contract pursuant to this Act shall prescribe an application procedure, causes for denial, and  
11 manner and notification of acceptance.

12 Section 2. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Any contract entered under this Act shall authorize the secretary of the Department of  
15 Education to count any North Dakota student participating in cross-border attendance for the



1 purposes of determining state aid to education pursuant to chapter 13-13. No South Dakota  
2 student attending school in North Dakota may be counted in determining attendance for state  
3 aid purposes.

4 Section 3. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 A contract entered under this Act shall provide that if there are more students from South  
7 Dakota than North Dakota participating in cross-border attendance, the secretary of the  
8 Department of Education shall forward to the North Dakota superintendent of public instruction,  
9 on behalf of each excess student, an amount annually agreed to by the secretary and the  
10 superintendent that reflects the average cost of education per student in school districts  
11 participating in cross-border attendance in accordance with the contract. The contract must also  
12 provide that if there are more students from North Dakota than South Dakota participating in  
13 cross-border attendance under this Act, the superintendent shall forward to the secretary, on  
14 behalf of each excess student, an amount annually agreed to by the superintendent and the  
15 secretary reflecting the average cost of education per student in the school districts participating  
16 in cross-border attendance in accordance with the contract.

17 Section 4. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 The secretary of the Department of Education shall annually reconcile the number of  
20 students from each school district in this state who participate in cross-border attendance under  
21 this section with the number of students from school districts in North Dakota who participate  
22 in cross-border attendance under this Act.

23 Section 5. That chapter 13-15 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1       A student who requires special education services may participate in cross-border attendance  
2       under this Act, if the contract entered into sets forth each school district's and each state's  
3       responsibilities for payment of any excess costs incurred as a result of providing the services to  
4       the student.