

AN ACT

ENTITLED, An Act to revise certain provisions related to the interstate enrollment options program.

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

Section 1. That § 13-28A-1 be amended to read as follows:

13-28A-1. The secretary of the Department of Education may enter into agreements with the appropriate parties from the states bordering South Dakota to establish an open enrollment or tuition regulation program between South Dakota and each neighboring state.

Section 2. That § 13-28A-2 be amended to read as follows:

13-28A-2. Any agreement to allow open enrollment between South Dakota school districts and a bordering state's school districts entered into pursuant to this chapter shall specify the following:

- (1) If the bordering state sends more students to South Dakota than South Dakota sends to the bordering state, the bordering state will pay South Dakota an amount agreed upon for the excess number of students sent to South Dakota; and
- (2) If South Dakota sends more students to the bordering state than the bordering state sends to South Dakota, South Dakota will pay the bordering state an amount agreed upon for the excess number of students sent to the bordering state.

Section 3. That chapter 13-28A be amended by adding thereto a NEW SECTION to read as follows:

Any agreement to allow the regulation of tuition paid between South Dakota school districts and a bordering state's school districts entered into pursuant to this chapter shall specify the tuition rate to be paid by all local school districts on behalf of students enrolled in the school district of a bordering state. However, no tuition regulation program agreement established pursuant to section 1 of this Act may specify a rate of tuition that is greater than one hundred ten percent of the per student allocation as defined in subdivision 13-13-10.1(4).

Section 4. That § 13-28A-3 be amended to read as follows:

13-28A-3. Any agreement entered into pursuant to this chapter shall specify the application procedures for the enrollment options program between South Dakota and the bordering state.

Section 5. That § 13-28A-4 be amended to read as follows:

13-28A-4. Any agreement entered into pursuant to this chapter shall specify the reasons for which an application for the enrollment options program between South Dakota and the bordering state may be denied.

Section 6. That § 13-28A-5 be amended to read as follows:

13-28A-5. Any agreement entered into pursuant to this chapter shall specify that a South Dakota school district is not responsible for transportation for any resident student attending school in a bordering state under the provisions of this chapter. However, a South Dakota school district may, at its discretion, provide transportation services for such a student.

Section 7. That § 13-28A-7 be amended to read as follows:

13-28A-7. If South Dakota enters into an open enrollment agreement with a bordering state, for the purposes of state aid to education distributed pursuant to chapter 13-13, any student open enrolled to a South Dakota district from a bordering state is included in the receiving school district's fall enrollment.

Section 8. That § 13-28A-8 be amended to read as follows:

13-28A-8. If South Dakota enters into an open enrollment agreement with a border state for the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent to a bordering state from South Dakota may not be included in the resident school district's fall enrollment.

Section 9. That § 13-28A-9 be amended to read as follows:

13-28A-9. Any student whose resident school district does not receive state aid to education

under the provisions of chapter 13-13 or 13-37 may not open enroll in the district of a bordering state unless the student's resident school district pays the State of South Dakota an amount equal to the per student allocation as defined in chapter 13-13 or 13-37 for each student open enrolled to a bordering state.

Section 10. That chapter 13-28A be amended by adding thereto a NEW SECTION to read as follows:

If South Dakota enters into a tuition regulation agreement with a bordering state, for purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom tuition is paid to a South Dakota district from a bordering state is not included in the receiving school district's fall enrollment.

If South Dakota enters into a tuition regulation agreement with a bordering state, for purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom tuition is paid from a South Dakota district to a bordering state's district is included in the South Dakota school district's fall enrollment.

Section 11. That chapter 13-28A be amended by adding thereto a NEW SECTION to read as follows:

If the rate of tuition specified in a tuition regulation program agreement established pursuant to section 1 of this Act is greater than the per student allocation as defined in subdivision 13-13-10.1(4), any South Dakota school district that pays tuition to a bordering state school district in accordance with that agreement is entitled to the difference between the rate of tuition and the per student allocation for each student for whom tuition is paid.

If the rate of tuition specified in a tuition regulation program agreement established pursuant to section 1 of this Act is less than the per student allocation, any South Dakota school district that receives tuition from a bordering state school district in accordance with that agreement is entitled

to the difference between the per student allocation and the rate of tuition for each student for whom tuition is received.

The entitlements created in this section shall be paid out of money appropriated in the general appropriations act for state aid to education.

Section 12. That chapter 13-28A be amended by adding thereto a NEW SECTION to read as follows:

Nothing in this Act may be construed to prevent a school district which has a contract with a bordering state from continuing that contract.

Section 13. That § 13-28B-1 be repealed.

Section 14. That §§ 13-28B-2 to 13-28B-11, inclusive, be repealed.

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I certify that the attached Act
originated in the

SENATE as Bill No. 21

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 21

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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