State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0323

SENATE EDUCATION ENGROSSED NO. SB 21 - 1/15/2008

Introduced by: The Committee on Education at the request of the Department of Education

FOR 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 ~~state of North Dakota~~ states bordering South Dakota to establish an open enrollment ~~options~~ or tuition regulation program between South Dakota and ~~North Dakota~~ 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 ~~North Dakota~~ the bordering state sends more students to South Dakota than South Dakota sends to ~~North Dakota, North Dakota~~ the bordering state, the bordering state will pay South Dakota an amount agreed upon for the excess number of students sent

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

to South Dakota; and

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

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 ~~North Dakota~~ 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 ~~North Dakota~~ 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 ~~North Dakota~~ 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. ~~For~~ 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 ~~sent~~ open enrolled to a South Dakota district from ~~North Dakota~~ 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. ~~For~~ 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 ~~North Dakota~~ 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 ~~attend school in North Dakota~~ 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 ~~sent to North Dakota~~ 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 a South Dakota school district, or a previously existing South Dakota school district with which the school district reorganized, has an existing contract with a border state school district that the school district wants to continue, and if the school district does not fall below the minimum fall enrollment requirements established in § 13-6-97, the provisions of this chapter do not apply.

Section 12. That § 13-28B-1 be repealed.

~~13-28B-1. The secretary of the Department of Education may enter into agreements with the appropriate parties from the state of Iowa to establish an enrollment options program between South Dakota and Iowa.~~

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