

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

839S0029

HOUSE BILL NO. 1091

Introduced by: Representatives Blake, Dennert, Elliott, Fargen, Feickert, Gibson, Greenfield, Hoffman, Lucas, Olson (Betty), Rausch, Romkema, and Wismer and Senators Brown, Bradford, Buhl, Fryslic, and Maher

1 FOR AN ACT ENTITLED, An Act to repeal the provision requiring certain school districts
2 with a fall enrollment of less than one hundred to reorganize.

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

4 Section 1. That § 13-6-97 be repealed.

5 ~~—13-6-97. Any school district that has a fall enrollment, as defined in § 13-13-10.1, of less~~
6 ~~than one hundred and is not a sparse school district, as defined in § 13-13-78, shall reorganize~~
7 ~~with another school district or school districts to create a newly reorganized school district with~~
8 ~~a fall enrollment of one hundred or greater. Any school district that is not sparse and has a fall~~
9 ~~enrollment of one hundred or less on July 1, 2007, shall prepare a plan for reorganization by~~
10 ~~June 30, 2009. After July 1, 2007, if the fall enrollment of any school district that is not sparse~~
11 ~~falls to one hundred or below, that school district shall prepare a plan for reorganization within~~
12 ~~two years. If any such district fails to prepare a plan for reorganization by the deadline, the~~
13 ~~Board of Education shall prepare a reorganization plan for the district. However, the provisions~~
14 ~~of this section do not apply to any school district that contracts with a school district in another~~



1 ~~state pursuant to § 13-15-11 to provide for the education of children in grades seven through~~
2 ~~twelve who reside within the district, that receives no foundation program state aid distributed~~
3 ~~pursuant to chapter 13-13, and that is located at least twenty-five miles from the nearest high~~
4 ~~school in an adjoining school district in the state.~~

5 Section 2. That § 13-15-30 be amended to read as follows:

6 13-15-30. Notwithstanding the provisions of § 13-5-1, the school board of any school
7 district that offers an instructional program within the boundaries of the school district may
8 enter into an agreement or contract with one or more school boards of other school districts to
9 provide for the whole-grade sharing of students among the participating school districts ~~if:~~

10 ~~—(1)—The school district offers an instructional program within the boundaries of the~~
11 ~~school district; and~~

12 ~~—(2)—The school district meets the minimum fall enrollment requirements pursuant to~~
13 ~~§ 13-6-97.~~

14 For purposes of §§ 13-15-30 to 13-15-32, inclusive, whole-grade sharing is a sharing
15 arrangement for students among participating school districts that allows the resident students
16 at any one or more grade levels within one school district to attend school in one or more of the
17 other participating school districts. The whole-grade sharing may be one-way whereby a
18 participating school district sends all of its students at one or more grade levels to attend school
19 in one or more of the other participating school districts without receiving any students in return.

20 The whole-grade sharing may also be two-way whereby a school district sends all of its
21 students at one or more grade levels to attend school in one or more of the other participating
22 school districts, and in return receives students at one or more grade levels from one or more
23 of the other participating school districts.