

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

857T0390

## HOUSE BILL NO. 1152

Introduced by: Representatives Gibson, Abdallah, Dennert, Lucas, and Street and Senators Rampelberg, Frerichs, and Hansen (Tom)

1 FOR AN ACT ENTITLED, An Act to provide funding to school districts for students with  
2 limited English proficiency through the state aid to general education funding formula.

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

4 Section 1. That § 13-13-10.1 be amended to read as follows:

5 13-13-10.1. Terms used in this chapter mean:

6 (1) "Average daily membership," the average number of resident and nonresident  
7 kindergarten through twelfth grade pupils enrolled in all schools operated by the  
8 school district during the previous regular school year, minus average number of  
9 pupils for whom the district receives tuition, except pupils described in subdivision  
10 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42.1 and plus the  
11 average number of pupils for whom the district pays tuition;

12 (1A) Nonresident students who are in the care and custody of the Department of Social  
13 Services, the Unified Judicial System, the Department of Corrections, or other state  
14 agencies and are attending a public school may be included in the average daily  
15 membership of the receiving district when enrolled in the receiving district. When



1 counting a student who meets these criteria in its general enrollment average daily  
2 membership, the receiving district may begin the enrollment on the first day of  
3 attendance. The district of residence prior to the custodial transfer may not include  
4 students who meet these criteria in its general enrollment average daily membership  
5 after the student ceases to attend school in the resident district;

6 (2) "Adjusted average daily membership," calculated as follows:

7 (a) For districts with an average daily membership of two hundred or less,  
8 multiply 1.2 times the average daily membership;

9 (b) For districts with an average daily membership of less than six hundred, but  
10 greater than two hundred, raise the average daily membership to the 0.8293  
11 power and multiply the result times 2.98;

12 (c) For districts with an average daily membership of six hundred or more,  
13 multiply 1.0 times their average daily membership;

14 (2A) "Fall enrollment," the number of kindergarten through twelfth grade students enrolled  
15 in all schools operated by the school district on the last Friday of September of the  
16 current school year minus the number of students for whom the district receives  
17 tuition, except nonresident students who are in the care and custody of a state agency  
18 and are attending a public school and students for whom tuition is being paid  
19 pursuant to § 13-28-42.1, plus the number of students for whom the district pays  
20 tuition. When computing state aid to education for a school district under the  
21 foundation program pursuant to § 13-13-73, the secretary of the Department of  
22 Education shall use either the school district's fall enrollment or the average of the  
23 school district's fall enrollment from the previous two years, whichever is higher;

24 (2B) Repealed by SL 2010, ch 84, § 1.

1 (2C) "Small school adjustment," calculated as follows:

2 (a) For districts with a fall enrollment of two hundred or less, multiply 0.2 times  
3 \$4,237.72;

4 (b) For districts with a fall enrollment of greater than two hundred, but less than  
5 six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that  
6 result; and multiply the sum obtained times \$4,237.72;

7 The determination of the small school adjustment for a school district may not  
8 include any students residing in a residential treatment facility when the education  
9 program is operated by the school district;

10 (2D) "Limited English proficient (LEP) adjustment," is calculated as follows:

11 (a) Multiply 0.2 times the per student allocation; and

12 (b) Multiply the product obtained in (a) times the number of students counted in  
13 the fall enrollment of a school district who meet the definition of a limited  
14 English proficient student in 20 U.S.C. § 7801 (25) as amended to January 1,  
15 2012;

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

20 (4) "Per student allocation," for school fiscal year 2012 is \$4,389.95. Each school fiscal  
21 year thereafter, the per student allocation is the previous fiscal year's per student  
22 allocation increased by the index factor;

23 (5) "Local need," is the sum of:

24 (a) The per student allocation multiplied by the fall enrollment; ~~and~~

1 (b) The small school adjustment, if applicable, multiplied by the fall enrollment;  
2 and

3 (c) The limited English proficient (LEP) adjustment, calculated pursuant to  
4 subdivision (2D), if applicable;

5 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by  
6 applying the levies established pursuant to § 10-12-42;

7 (7) "General fund balance percentage," is a school district's general fund equity divided  
8 by the school district's total general fund expenditures for the previous school fiscal  
9 year, the quotient expressed as a percent;

10 (8) "General fund reserves," the sum of a school district's nonspendable and restricted  
11 fund balances of the general fund;

12 (9) "Nonspendable fund balance," that amount of the fund balance that is not in  
13 spendable form;

14 (10) "Restricted fund balance," that amount of the fund balance that has constraints on  
15 how it may be used that are externally imposed or are imposed by law.

16 Section 2. That § 13-13-73 be amended to read as follows:

17 13-13-73. The secretary of the Department of Education shall compute state aid to education  
18 for each school district under the foundation program according to the following calculations:

19 (1) Determine each school district's fall enrollment;

20 (2) To arrive at the local need per district:

21 (a) Multiply the per student allocation by the fall enrollment;

22 (b) Multiply the small school adjustment, if applicable, by the fall enrollment; ~~and~~

23 (c) Calculate the limited English proficient (LEP) adjustment pursuant to  
24 subdivision (2D), if applicable; and

