

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

736S0711

SENATE ENGROSSED NO. **HB 1208** - 3/7/2011

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Gosch and Lust and Senators Olson (Russell) and Brown

1 FOR AN ACT ENTITLED, An Act to require the Board of Education to promulgate rules  
2 providing for the training of school bus drivers, to eliminate certain requirements regarding  
3 student transportation, and to allow parents the option to receive certain notices from public  
4 schools via electronic mail.

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

6 Section 1. The South Dakota Board of Education shall promulgate rules pursuant to chapter  
7 1-26 to provide for the training of school bus drivers and attendants.

8 Section 2. That chapter 13-1 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 It is the policy of the State of South Dakota that the parent or guardian of any student  
11 enrolled in a public school may opt to receive any notifications or correspondence from that  
12 school by electronic mail in lieu of regular mail if the parent or guardian provides to the school  
13 an electronic mail address to which the notifications or correspondence may be sent.

14 Section 3. That § 13-30-1 be amended to read as follows:

15 13-30-1. ~~The following types of students who do not have access to bus service furnished~~



1 ~~by the school district to which they are assigned to and from school are entitled to a~~  
2 ~~transportation or board and room allowance, provided in this chapter, paid by the district where~~  
3 ~~the student has school residence or by the district where the student attends if the district is~~  
4 ~~receiving tuition, regardless of the type or method of conveyance used for transportation:~~

5 ~~— (1) — Any elementary student who attends an elementary school where the student is~~  
6 ~~assigned and which is located more than five miles from the student's residence in~~  
7 ~~either the same or any other school district;~~

8 ~~— (2) — Any secondary student who attends a high school located in the same district where~~  
9 ~~the student is a resident and is more than five miles from the student's residence, if~~  
10 ~~the transportation of secondary students is authorized by the school district board;~~

11 ~~— (3) — Any secondary student who resides in a district described in § 13-15-14 who attends~~  
12 ~~a high school located more than five miles from the student's residence if the~~  
13 ~~transportation of secondary students is authorized by the school district board.~~

14 ~~— A school district having a junior high school may provide mileage, bus service, or board and~~  
15 ~~room for ninth grade junior high school students at the discretion of the school board. A school~~  
16 ~~district choosing to provide transportation services to ninth grade junior high school students~~  
17 ~~is not required, as a result of that choice, to provide these services to tenth, eleventh, or twelfth~~  
18 ~~grade high school students. A school district may, at the discretion of the school board, provide~~  
19 ~~a transportation allowance, as provided in § 13-30-3, to any student who does not have access~~  
20 ~~to bus service furnished by the school district.~~

21 Section 4. That § 13-30-2 be repealed.

22 ~~— 13-30-2. Elementary and secondary pupils who live within the incorporated limits of a first~~  
23 ~~or second class municipality shall receive a transportation allowance only at the discretion of~~  
24 ~~the school board.~~

1 Section 5. That § 13-30-3 be amended to read as follows:

2 13-30-3. The amount of the transportation allowance is the rate established pursuant to § 3-  
3 9-1 per family for distances actually traveled in excess of five miles each way. No mileage may  
4 be paid for extra trips to the schoolhouse which the school board does not consider necessary  
5 nor for more miles than would be traveled if the shortest distance measured from the place on  
6 a publicly used road nearest the dwelling house of the child to the schoolhouse site were  
7 traveled. If children from more than one family are transported in the same vehicle mileage  
8 payments ~~shall~~ may be paid to only one family. The school board may authorize additional miles  
9 if prior approval is obtained to facilitate cooperative efforts among families to share  
10 transportation duties. If children from more than one family are transported in a single vehicle,  
11 reimbursement shall be at rates established by the school board. However, the mileage  
12 reimbursement rate may not be less than the rate established pursuant to § 3-9-1. If, at the  
13 request of the parents, elementary children are assigned to a school that is further from the  
14 dwelling house than the nearest school, the board may limit the reimbursement to the mileage  
15 to the nearest school within the district. All claims for transportation allowance shall be filed  
16 with the school business manager not later than the close of the school fiscal year in which the  
17 travel for which reimbursement is sought actually occurred.

18 Section 6. That § 13-30-4 be amended to read as follows:

19 13-30-4. ~~When a student is entitled to a transportation allowance but transportation or bus~~  
20 ~~service is not practicable, the school board shall~~ A school district may, at the discretion of the  
21 school board, pay room and board in lieu of transportation for those students who are boarded  
22 away from home to attend a public school at the rate per month as determined by the school  
23 board. However, any student who either attends, or is required under any provision of this title  
24 to attend at any school in his own district where dormitory facilities are furnished and available

1 for him, shall not be entitled to any allowance for board and room.