

ARTICLE 24:17

GENERAL STATE AID

Chapter

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CHAPTER 24:17:01

DEFINITION OF TERMS

Section

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- 24:17:01:02 Exclusions for revenue received from opting out of the property tax limitations Repealed.
- 24:17:01:03 Exclusions for revenue received from gifts, contributions, grants, and donations Repealed.
- 24:17:01:04 Exclusions for revenue received from the consolidation incentive Repealed.
- 24:17:01:05 Short-term group care education program.
- 24:17:01:06 Reporting percent of day enrollment.
- 24:17:01:07 Definition of preschool for data collection purposes.

24:17:01:01. Definitions. Terms used in this article mean:

- (1) "Department," the Department of Education;

~~(2) "General fund equity," the excess of the assets of a school district's general fund over its liabilities;~~

~~(3) "General fund exclusions," as the term is defined in SDCL 13-13-10.1. In addition, the term includes the sum of the exclusions in §§ 24:17:01:02 to 24:17:01:04, inclusive, plus exclusions approved pursuant to §§ 24:17:02:02 to 24:17:02:04, inclusive.~~

~~(4) "General fund reserves," a school district's allowable general fund balance reserves for the purposes of calculating foundation state aid, including the following: reserved for inventory, reserved for unemployment, and reserved for judgments;~~

~~(5) "General fund transfers," the sum of all operating and residual equity transfers from a school district's general fund to other allowable funds operated by the district;~~

~~(6) "Oversight Board," the Excess General Fund Oversight Board;~~

~~(7) (2) "Period," an indication of the number of times during a school day that the attendance status is reported for a student;~~

~~(8) (3) "Secretary," the secretary of the Department of Education;~~

~~(9) (4) "Student data submission," a report containing detailed information on each student in a format prescribed by the secretary.~~

Source: 28 SDR 19, effective August 19, 2001; 36 SDR 215, effective July 6, 2010.

General Authority: SDCL 13-13-37.4.

Law Implemented: SDCL 13-3-51, 13-13-10.1.

Cross-Reference: Excess General Fund Oversight Board, SDCL 13-13-76.

24:17:01:02. Exclusions for revenue received from opting out of the property tax limitations. ~~Exclusions from revenue received from opting out of the property tax limitations pursuant to SDCL 10-12-43 are calculated as follows:~~

~~—— (1) Annual exclusion, for each year the school district opted out of the state property tax limitations pursuant to SDCL 10-12-43:~~

~~—— (a) Determine the proportionate amount levied in the fiscal year per the excess tax levy pursuant to SDCL 10-12-43;~~

~~—— (b) Subtract the total general fund expenditures from the sum of the total general fund revenues for the district plus the unreserved general fund balance as of June 30th from the preceding fiscal year;~~

~~—— (c) The annual exclusion is the lesser of (a) or (b);~~

~~—— (2) Cumulative exclusion, the annual exclusion from the previous fiscal year plus the accumulated exclusions through the fiscal year preceding the previous fiscal year. The cumulative exclusion may not be less than zero~~
Repealed.

Source: 28 SDR 19, effective August 19, 2001; 29 SDR 52, effective October 22, 2002.

~~—— **General Authority:** SDCL 13-13-37.4, 13-13-73.4.~~

~~—— **Law Implemented:** SDCL 13-13-10.1, 13-13-37.4, 13-13-73.4.~~

24:17:01:03. Exclusions for revenue received from gifts, contributions, grants, and donations. ~~Exclusions for revenue received from gifts, contributions, grants, and donations include any revenue deposited in the general fund from a nongovernmental entity in the previous fiscal year for an unspecified purpose. In addition, any revenue deposited in the general fund from a nongovernmental entity in the previous fiscal year for a specific purpose that was not expended in that fiscal year is added to the total. This exclusion may not exceed total general fund expenditures subtracted from total general fund revenues in the previous fiscal year; however, it may not be less than zero. This exclusion does not accumulate from one year to the next~~ Repealed.

Source: 28 SDR 19, effective August 19, 2001.

~~General Authority:~~ SDCL 13-13-37.4.

~~Law Implemented:~~ SDCL 13-13-10.1.

24:17:01:04. Exclusions for revenue received from the consolidation incentive. ~~Exclusions for revenue received pursuant to SDCL 13-6-92 are calculated as follows:~~

~~(1) Annual exclusion, for each year the school received revenues pursuant to SDCL 13-6-92:~~

~~(a) Determine the revenue received in the fiscal year pursuant to SDCL 13-6-92;~~

~~(b) Subtract the total general fund expenditures from the total general fund revenues for the district;~~

~~(c) The annual exclusion is the lesser of (a) or (b);~~

~~(2) Cumulative exclusion, the annual exclusion from the previous fiscal year plus the cumulative exclusion through the fiscal year preceding the previous fiscal year. The cumulative exclusion may never be less than zero and may not exceed zero if the district has not received revenue pursuant to SDCL 13-6-92 in the previous three fiscal years Repealed.~~

Source: 28 SDR 19, effective August 19, 2001.

~~General Authority:~~ SDCL 13-13-37.4.

~~Law Implemented:~~ SDCL 13-13-10.1.

CHAPTER 24:17:02

EXCESS GENERAL FUNDS

(Repealed)

Section

- ~~24:17:02:01 — Unreserved general fund balance.~~
- ~~24:17:02:02 — Application to Oversight Board.~~
- ~~24:17:02:03 — Factors to be considered.~~
- ~~24:17:02:04 — Repealed.~~
- ~~24:17:02:05 — Exclusion from reallocation of excess funds.~~
- ~~24:17:02:06 — Reallocation of excess funds.~~
- ~~24:17:02:07 — Appointment and terms of board members.~~

~~**24:17:02:01. Unreserved general fund balance.** The unreserved general fund balance of a school district shall equal the total general fund equity plus transfers out of the general fund less general fund reserves and general fund exclusions.~~

~~— **Source:** 28 SDR 19, effective August 19, 2001.~~

~~— **General Authority:** SDCL 13-13-37.4.~~

~~— **Law Implemented:** SDCL 13-13-10.1.~~

~~**24:17:02:02. Application to Oversight Board.** School districts may apply to the Oversight Board for an exception to the provisions of SDCL 13-13-73.2 on the form provided by the secretary. A school district's application must include the amount to be excluded plus the reason for the exclusion. Applications are due by March 1 during the fiscal year and August 1 following the fiscal year for which exceptions are to be considered.~~

~~Source: 28 SDR 19, effective August 19, 2001.~~

~~General Authority: SDCL 13-13-37.4.~~

~~Law Implemented: SDCL 13-13-76.~~

~~24:17:02:03. Factors to be considered. In determining whether to recommend an exception, the Oversight Board shall take into consideration the following factors:~~

~~(1) Revenue needed in the following fiscal year to replace items lost due to a natural disaster;~~

~~(2) Revenue needed in the following fiscal year for expanding educational programs;~~

~~(3) Pending reorganization of the district;~~

~~(4) Revenues received as the result of another district dissolving and attaching;~~

~~(5) Significant transfers out of the general fund that were necessary to maintain the vitality of another fund;~~

~~(6) Revenues received that could not reasonably be anticipated by the district;~~

~~(7) Other financing sources in excess of ten percent of the annual general fund expenditures received as a result of the sale of general capital assets.~~

~~Source: 28 SDR 19, effective August 19, 2001; 34 SDR 322, effective July 1, 2008.~~

~~General Authority: SDCL 13-13-37.4.~~

~~Law Implemented: SDCL 13-13-76.~~

~~24:17:02:04. Secretary to make final determination. Repealed.~~

~~Source: 28 SDR 19, effective August 19, 2001; repealed, 34 SDR 322, effective July 1, 2008.~~

~~24:17:02:05. Exclusion from reallocation of excess funds. A school district that receives state aid pursuant to SDCL chapter 13-13 solely under the provisions of SDCL 13-13-75 is not eligible for the reallocation of foundation funds pursuant to SDCL 13-13-73.3.~~

—— ~~Source:~~ 28 SDR 19, effective August 19, 2001.

—— ~~General Authority:~~ SDCL 13-13-37.4.

—— ~~Law Implemented:~~ SDCL 13-13-37.4, 13-13-73.3.

~~24:17:02:06. Reallocation of excess funds.~~ Any foundation funds reallocated pursuant to SDCL 13-13-73.3 shall be distributed by the department on or about January 31 each year.

—— ~~Source:~~ 28 SDR 19, effective August 19, 2001.

—— ~~General Authority:~~ SDCL 13-13-37.4.

—— ~~Law Implemented:~~ SDCL 13-13-37.4, 13-13-73.3.

~~24:17:02:07. Appointment and terms of board members.~~ The Governor shall appoint five voting members to the Excess General Fund Oversight Board. Appointment to the board is limited to a maximum term of five years. The Governor shall use a staggered appointment schedule when appointing members. Board members are eligible for reappointment.

—— ~~Source:~~ 34 SDR 322, effective July 1, 2008.

—— ~~General Authority:~~ SDCL 13-13-37.4.

—— ~~Law Implemented:~~ SDCL 13-13-76.