

Policy to Determine Amount of Penalty - Delinquent Filing of Annual Report

13-13-38. Determination of eligibility of school districts for state aid--Information required from counties and districts--Delinquency--Forfeited funds. The Department of Education shall determine on December first, or as soon thereafter as practicable, of each school fiscal year the amount of state aid to education funds to which each school district within the state is eligible. The department shall require from any county or school district officer any information which is necessary in order to apportion state aid to education funds. If complete and accurate information is past due according to the reporting dates specified in § 13-8-47, the secretary of the Department of Education on August thirtieth shall declare the school district to be fiscally delinquent. The school district, unless granted an extension, shall forfeit from its entitlement one hundred dollars for each day that the data is past due for seven days and two hundred dollars for each day past due thereafter starting with the eighth day. Forfeited funds shall be deposited in the state general fund.

Unless granted an extension a school district must submit and have their annual financial report approved before August 30th. For the purposes of calculating penalties for a late submission the first working day following August 30th will be counted as day #1. The count of days on which the penalty may be imposed will not include the day on which the annual report was approved.

The penalty amount will not be deducted from the general state aid calculated for the school district but must be paid to the Department of Education.