

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0161

## HOUSE EDUCATION ENGROSSED NO. **HB 1043** 01/26/2015

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding  
2 the Department of Education.

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

4 Section 1. That § 13-1-44 be repealed.

5 ~~—13-1-44. The Department of Education, the colleges of education at public universities, and~~  
6 ~~the Board of Education shall jointly examine the teacher preparation and administrator~~  
7 ~~preparation programs at the public universities. They shall file a report by November 15, 2000,~~  
8 ~~and deliver it to the Governor, the Legislature, and the Board of Regents. The report shall~~  
9 ~~describe the programs, explain strengths and deficiencies in the programs, and recommend~~  
10 ~~actions to improve the programs.~~

11 Section 2. That § 13-3-73 be repealed.

12 ~~—13-3-73. There is hereby created the teacher compensation assistance program within the~~  
13 ~~Department of Education to provide funds to school districts for the purpose of assisting school~~  
14 ~~districts with teacher compensation. School districts are eligible to receive funds from the~~  
15 ~~teacher compensation assistance program based on their fall enrollment numbers. The~~



1 ~~department shall provide four-fifths of the funds for the teacher compensation assistance~~  
2 ~~program to each participating school district. The Board of Education shall promulgate rules,~~  
3 ~~pursuant to chapter 1-26, to create an oversight board appointed by the secretary of education~~  
4 ~~for approval of applications as well as guidelines for district applications based on district~~  
5 ~~instructional goals, market compensation or other specific district requirements as approved by~~  
6 ~~the department. Participation in the program is discretionary. District applications shall be~~  
7 ~~approved by the local board of education. The applications shall be reviewed by the teacher~~  
8 ~~compensation assistance program oversight board and shall be recommended to the Board of~~  
9 ~~Education for final approval.~~

10 ~~—The Legislature shall review the teacher compensation assistance program in 2012 to~~  
11 ~~determine its effectiveness and to determine whether to continue the program.~~

12 Section 3. That § 13-3-74 be repealed.

13 ~~—13-3-74. The Teacher Compensation Assistance Program Oversight Board shall annually~~  
14 ~~monitor the progress of participating school districts with their teacher compensation assistance~~  
15 ~~plans, and submit its findings to the Board of Education.~~

16 Section 4. That § 13-3-74.1 be repealed.

17 ~~—13-3-74.1. There is hereby established the Teacher Compensation Assistance Program~~  
18 ~~Advisory Council. The council shall be under the supervision of the Department of Education.~~  
19 ~~The speaker of the House of Representative shall appoint three members of the House of~~  
20 ~~Representatives to the council, including at least one member from each political party, and the~~  
21 ~~president pro tempore of the Senate shall appoint three members of the Senate to the council,~~  
22 ~~including at least one member from each political party. The Governor shall appoint the~~  
23 ~~remaining members of the council, including at least one teacher, one school administrator, and~~  
24 ~~one representative of a statewide education organization.~~

1 Section 5. That § 13-3-74.2 be repealed.

2 ~~—13-3-74.2. The council shall examine how teacher quality and teacher salaries in the state~~  
3 ~~can be enhanced, and how the funds appropriated in fiscal year 2010 and in subsequent fiscal~~  
4 ~~years by the state for the teacher compensation assistance program established in § 13-3-73 can~~  
5 ~~best be utilized to assist in that effort. The council shall consider a variety of issues surrounding~~  
6 ~~teachers including market compensation, a tiered licensure system, a system for evaluating~~  
7 ~~teachers, mentoring and induction programs for teachers, and continuing contracts for teachers.~~

8 Section 6. That § 13-3-74.3 be repealed.

9 ~~—13-3-74.3. The council shall complete its work and the secretary of education shall provide~~  
10 ~~its recommendations to the Governor and to the Executive Board of the Legislative Research~~  
11 ~~Council no later than November 15, 2008.~~

12 Section 7. That § 13-3-75 be repealed.

13 ~~—13-3-75. The South Dakota Board of Education shall promulgate rules pursuant to chapter~~  
14 ~~1-26 establishing the application process; application timelines; the guidelines for district~~  
15 ~~applications based on school district instructional goals or market compensation; and a system~~  
16 ~~to monitor the progress of participating school districts with their compensation assistance plans~~  
17 ~~and to ensure that each participating school district is complying with the plan as submitted to~~  
18 ~~the board.~~

19 Section 8. That § 13-3-83.1 be repealed.

20 ~~—13-3-83.1. Once all the school districts with approved applications have received their~~  
21 ~~funding pursuant to § 13-3-73, the Department of Education may set aside from any funds~~  
22 ~~remaining, a sum not to exceed one hundred thousand dollars from the teacher compensation~~  
23 ~~assistance program appropriation for the purpose of providing grants to educational cooperatives~~  
24 ~~and multi-district centers that employ teachers for public schools. The South Dakota Board of~~

1 Education may promulgate rules, pursuant to chapter 1-26, to establish the granting process.

2 Section 9. That § 13-6-92 be repealed.

3 ~~—13-6-92. If two or more school districts consolidate after July 1, 2001 and on or before July~~  
4 ~~1, 2007, the new school district is entitled to an additional three hundred dollars per average~~  
5 ~~daily membership as defined in § 13-13-10.1, up to a maximum of four hundred average daily~~  
6 ~~membership from each school district or a prorated portion thereof from a partial school district~~  
7 ~~as it existed prior to consolidation for the first year after consolidation. If two or more school~~  
8 ~~districts consolidate after July 1, 2001 and on or before July 1, 2007, the new school district is~~  
9 ~~entitled to an additional two hundred dollars per average daily membership as defined in § 13-~~  
10 ~~13-10.1, up to a maximum of four hundred average daily membership from each school district~~  
11 ~~or a prorated portion thereof from a partial school district as it existed prior to consolidation for~~  
12 ~~the second year after consolidation. If two or more school districts consolidate after July 1, 2001~~  
13 ~~and on or before July 1, 2007, the new school district is entitled to an additional one hundred~~  
14 ~~dollars per average daily membership as defined in § 13-13-10.1, up to a maximum of four~~  
15 ~~hundred average daily membership from each school district or a prorated portion thereof from~~  
16 ~~a partial school district as it existed prior to consolidation for the third year after consolidation.~~

17 ~~—If two or more school districts consolidate after July 1, 2007, and on or before July 1, 2010,~~  
18 ~~for the first year after consolidation, each new school district is entitled to one thousand dollars~~  
19 ~~for each sending district student included in the receiving district's fall enrollment for the first~~  
20 ~~year after consolidation, up to a maximum of four hundred sending district students. If two or~~  
21 ~~more school districts consolidate after July 1, 2007, and on or before July 1, 2010, for the~~  
22 ~~second year after consolidation, each new school district is entitled to eight hundred dollars for~~  
23 ~~each sending district student included in the receiving district's fall enrollment for the first year~~  
24 ~~after consolidation, up to a maximum of four hundred sending district students. If two or more~~

1 ~~school districts consolidate after July 1, 2007, and on or before July 1, 2010, for the third year~~  
2 ~~after consolidation, each new school district is entitled to four hundred dollars for each sending~~  
3 ~~district student included in the receiving district's fall enrollment for the first year after~~  
4 ~~consolidation, up to a maximum of four hundred sending district students.~~

5 ~~— For the purposes of the entitlement provided in this section, if a receiving district receives~~  
6 ~~fewer than ten sending district students, the receiving district is entitled to payment for ten~~  
7 ~~sending district students.~~

8 Section 10. That § 13-6-92.1 be repealed.

9 ~~— 13-6-92.1. Notwithstanding the provisions of § 13-6-92, if two or more school districts~~  
10 ~~consolidate after July 1, 2007, and the secretary of education has issued an order to give effect~~  
11 ~~to the reorganization plan pursuant to § 13-6-48 no later than July 1, 2008, the new school~~  
12 ~~district is entitled to an additional six hundred dollars per fall enrollment as defined in § 13-13-~~  
13 ~~10.1, up to a maximum of four hundred fall enrollment from each school district or a prorated~~  
14 ~~portion thereof from a partial school district as it existed prior to consolidation for the first year~~  
15 ~~after consolidation. If two or more school districts consolidate after July 1, 2007, and the~~  
16 ~~secretary of education has issued an order to give effect to the reorganization plan pursuant to~~  
17 ~~§ 13-6-48 no later than July 1, 2008, the new school district is entitled to an additional four~~  
18 ~~hundred dollars per fall enrollment, up to a maximum of four hundred fall enrollment from each~~  
19 ~~school district or a prorated portion thereof from a partial school district as it existed prior to~~  
20 ~~consolidation for the second year after consolidation. If two or more school districts consolidate~~  
21 ~~after July 1, 2007, and the secretary of education has issued an order to give effect to the~~  
22 ~~reorganization plan pursuant to § 13-6-48 no later than July 1, 2008, the new school district is~~  
23 ~~entitled to an additional two hundred dollars per fall enrollment, up to a maximum of four~~  
24 ~~hundred fall enrollment from each school district or a prorated portion thereof from a partial~~

1 school district as it existed prior to consolidation for the third year after consolidation.

2 ~~Any school district that is eligible for and receives consolidation incentive payments~~  
3 ~~pursuant to this section may not receive consolidation incentive payments pursuant to § 13-6-92.~~

4 Section 11. That § 13-6-92.2 be repealed.

5 ~~13-6-92.2. For the purposes of §§ 13-6-92 and 13-6-92.1, the following terms mean:~~

6 ~~(1) "New school district," a school district which is formed as the result of a~~  
7 ~~consolidation of two or more school districts;~~

8 ~~(2) "Receiving district," a new school district in which a secondary attendance center was~~  
9 ~~operated prior to consolidation and is operated after consolidation;~~

10 ~~(3) "Sending district," a school district which is not a receiving school district whose~~  
11 ~~land has become part of another school district; and~~

12 ~~(4) "Sending district student," a student who was included in the current fall enrollment~~  
13 ~~as defined in § 13-13-10.1 of a sending school district for the school year prior to the~~  
14 ~~first year the new school district operates.~~

15 Section 12. That § 13-6-93 be repealed.

16 ~~13-6-93. For the purposes of §§ 13-6-92 to 13-6-96, inclusive, no student may be counted~~  
17 ~~more than once.~~

18 Section 13. That § 13-6-94 be repealed.

19 ~~13-6-94. The entitlement provided by §§ 13-6-92 to 13-6-96, inclusive, shall be paid by the~~  
20 ~~Department of Education out of any money appropriated for the purposes of §§ 13-6-92 to 13-6-~~  
21 ~~96, inclusive.~~

22 Section 14. That § 13-6-95 be repealed.

23 ~~13-6-95. The restriction on transfers imposed by § 13-16-26.2 does not apply to any money~~  
24 ~~received by a school district under the provisions of §§ 13-6-92 to 13-6-96, inclusive.~~

1 Section 15. That § 13-6-96 be repealed.

2 ~~—13-6-96. The Department of Education may promulgate rules pursuant to chapter 1-26 to~~  
3 ~~implement the provisions of §§ 13-6-92 to 13-6-96, inclusive.~~

4 Section 16. That § 13-14-3 be repealed.

5 ~~—13-14-3. All funds that shall be received by the several counties of this state, from the~~  
6 ~~secretary of agriculture of the United States, out of the revenues received by the secretary from~~  
7 ~~the use of land acquired by the United States under the provision of "The Bankhead-Jones Farm~~  
8 ~~Tenant Act" shall be apportioned, by the county commissioners of each county, among the~~  
9 ~~several school districts having children requiring school facilities, according to the acreage of~~  
10 ~~such land in said districts, and upon such apportionment, shall be paid to such school districts~~  
11 ~~by the county treasurers, to be used for school purposes in accordance with the provisions of~~  
12 ~~said federal act.~~

13 Section 17. That § 13-18-12 be repealed.

14 ~~—13-18-12. Outstanding registered warrants and refunding bonds for registered warrants of~~  
15 ~~school districts issued before January 1, 1983, for the purpose of operating schools within the~~  
16 ~~school district, are hereby reaffirmed, legalized, and validated and declared to be legal, valid,~~  
17 ~~and binding obligations of said school district.~~

18 Section 18. That § 13-27-12 be repealed.

19 ~~—13-27-12. The secretary of the Department of Education, or his designee, shall enforce the~~  
20 ~~provisions of this chapter and the laws of this state relating to compulsory attendance of persons~~  
21 ~~of school age. In the performance of these duties he has the same authority granted truancy~~  
22 ~~officers.~~

23 Section 19. That § 13-47-19 be repealed.

24 ~~—13-47-19. The secretary of education is hereby authorized to arrange with the South Dakota~~

1 ~~board of directors for educational telecommunications time necessary during each and every~~  
2 ~~school day for telecasting instructional telecommunications programs for use in the elementary~~  
3 ~~and secondary schools of the state.~~

4 Section 20. That § 13-47-20 be repealed.

5 ~~— 13-47-20. The secretary of education may also arrange for suitable time to provide in-service~~  
6 ~~training to schools to help instructional staff and other school personnel to better utilize the~~  
7 ~~instructional telecommunications media.~~

8 Section 21. That § 13-47-21 be repealed.

9 ~~— 13-47-21. The Bureau of Information and Telecommunications shall advise the Secretary~~  
10 ~~of Education and shall assist him in reviewing, previewing, and recommending elementary and~~  
11 ~~secondary instructional telecommunications programs to be telecast to the schools of this state~~  
12 ~~in order that the program of instructional telecommunications meets the needs of the local~~  
13 ~~school systems.~~