

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

900Z0695

HOUSE BILL NO. 1128

Introduced by: Representatives Ahlers, Bartling, Brunner, Hawley, Peterson (Sue), Smith,
and Wismer and Senators Haverly, Nesiba, Peters, Sutton, and Tidemann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding increases in teacher
2 compensation.

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

4 Section 1. That § 13-13-73.6 be amended to read:

5 13-13-73.6. The Department of Education shall calculate the following for each school
6 district:

7 (1) The average teacher salary, based on data collected pursuant to §§ 13-8-47 and 13-3-
8 51;

9 (2) The increase in local need pursuant to § 13-13-10.1, excluding any effect due to
10 change in the school district's fall enrollment and less the amount of revenue
11 generated in school fiscal year 2016 pursuant to § 13-10-6 as a percentage increase,
12 from fiscal year 2016 to fiscal year 2017; and

13 (3) The increase in average teacher compensation as a percentage increase, as defined in
14 § 13-8-47, from fiscal year 2016 to fiscal year 2017.

15 For each school district, the district's increase in average teacher compensation from fiscal



1 year 2016 to 2017 shall be equal to at least eighty-five percent of the district's increase in local
2 need, as defined in subdivision (2), from fiscal year 2016 to fiscal year 2017 and,
3 notwithstanding any negotiated agreement, at least eighty-five percent of the increase in state
4 aid to general education funding the school district receives for fiscal year 2017 less the amount
5 of revenue generated in fiscal year 2016 pursuant to § 13-10-6 shall be used to increase
6 instructional salaries and benefits for certified instructional staff.

7 If a district fails to comply with the requirements of this section, state aid to general
8 education funding to the district in fiscal year 2018 shall be decreased by an amount equal to
9 fifty percent of the amount calculated in subdivision (2). For fiscal ~~years 2019, 2020, and 2021~~
10 year 2019 and for each fiscal year thereafter, if a district's average teacher compensation is less
11 than the district's average teacher compensation in the prior fiscal year ~~2017~~ when increased by
12 eighty-five percent of the actual percent change in the target teacher salary, as defined in 13-13-
13 10.1, state aid to general education funding to the district in the following fiscal year shall be
14 reduced by an amount equal to five hundred dollars for each teacher employed in the school
15 district.

16 A school district may request a waiver from any penalty imposed under this section from
17 the School Finance Accountability Board.