

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0317

HOUSE BILL NO. 1007

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1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete statutes regarding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

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

4 Section 1. That § 13-3-24 be repealed.

5 ~~—13-3-24. It shall be the duty of the county auditor to keep a record of all apportionments of~~
6 ~~state and county school funds and such other statistical records as shall be required in making~~
7 ~~reports to the secretary of the Department of Education.~~

8 Section 2. That § 13-3-85 be repealed.

9 ~~—13-3-85. The Department of Education is hereby directed to review Project Lead the Way~~
10 ~~or other similar project-based curriculum in the areas of science, technology, engineering, and~~
11 ~~math in the state's middle and high schools. The purpose of the curriculum is to make math and~~
12 ~~science relevant for students by providing them with hands-on, real-world experiences.~~

13 Section 3. That § 13-3-86 be repealed.

14 ~~—13-3-86. The Department of Education shall develop plans for a clearinghouse for youth~~
15 ~~internships, pre-apprenticeships, mentoring opportunities, and other educational experiences~~



1 outside of the classroom that are available to middle and high school students within the state's
2 research, science, and technology infrastructure. The purpose of the clearinghouse is to facilitate
3 coordination among the middle schools, high schools, postsecondary technical institutes,
4 universities, and the businesses and industries that offer these educational experiences, and to
5 make students aware of the many unique opportunities available to them in South Dakota in the
6 areas of research, science, and technology. To further capitalize on the talent and resources of
7 the state's science and technology community, opportunities for professional development for
8 teachers may also be coordinated through the clearinghouse.

9 Section 4. That § 13-3-87 be repealed.

10 ~~—13-3-87. The secretary of the Department of Education shall develop a framework for~~
11 ~~building a high school for the twenty-first century. The framework shall outline the~~
12 ~~characteristics of a high school for the twenty-first century and the activities in which high~~
13 ~~schools can participate to develop those characteristics.~~

14 Section 5. That § 13-3-88 be repealed.

15 ~~—13-3-88. The secretary of the Department of Education shall develop a framework for~~
16 ~~entrepreneurship experiences for utilization at the middle and high school levels. The~~
17 ~~framework shall include standards aimed at equipping students with the skills they need to be~~
18 ~~successful entrepreneurs and performance indicators to measure entrepreneurial success.~~

19 Section 6. That § 13-13-10.6 be repealed.

20 ~~—13-13-10.6. For school fiscal year 2009, for any school district that does not certify to the~~
21 ~~secretary of education that its average teacher salary and benefits will increase by at least three~~
22 ~~percent, and that it will spend at least \$22.64 per fall enrollment as defined in subdivision 13-~~
23 ~~13-10.1(2A) on teacher salaries and benefits in excess of the school district's FY 2008~~
24 ~~expenditures on teacher salaries and benefits, increased by the index factor as defined in~~

1 subdivision 13-13-10.1(3), the per student allocation pursuant to subdivision 13-13-10.1(4) is
2 \$4,642.02.

3 Section 7. That § 13-13-10.7 be repealed.

4 ~~13-13-10.7. The secretary of education may promulgate rules pursuant to chapter 1-26 to~~
5 ~~provide for the certifications required in § 13-13-10.6.~~

6 Section 8. That § 13-13-11.1 be repealed.

7 ~~13-13-11.1. For the purpose of distributing state aid to education under the provisions of~~
8 ~~§§ 13-13-10.1 to 13-13-41, inclusive, funds received from the federal government under the~~
9 ~~provisions of P.L. 103-382, title VIII for basic support shall be included in total general fund~~
10 ~~revenue at the times the funds are transferred from the school district P.L. 103-382, title VIII~~
11 ~~fund to the school district funds. For the purposes of distributing state aid to special education~~
12 ~~under the provisions of § 13-37-36.1, funds received from the federal government under the~~
13 ~~provisions of P.L. 103-382, title VIII add on for children with disabilities shall be deposited into~~
14 ~~the school district special education fund.~~

15 Section 9. That § 13-13-66 be repealed.

16 ~~13-13-66. Notwithstanding the provisions in §§ 13-13-52, 13-13-53, 13-13-53.1, and 13-13-~~
17 ~~54 regarding educational salaries and benefits, §§ 13-13-57 and 13-13-58 regarding personal~~
18 ~~property tax replacement, § 13-26-2.3 regarding teacher inservice, §§ 13-33-14, 13-33-15, and~~
19 ~~13-33-16 regarding gifted education, the Department of Education shall apportion state aid to~~
20 ~~schools in the following manner:~~

21 ~~(1) The amount established in the general appropriation act for state aid for special~~
22 ~~education shall be distributed to eligible school districts in accordance with §§ 13-37-~~
23 ~~24 and 13-37-24.1 and subtracted from the total amount appropriated in the General~~
24 ~~Appropriations Act for state aid to education, and~~

1 ~~(2) The sum of:~~

2 ~~(a) The amount established in the General Appropriations Act for purposes of~~
3 ~~state aid for instructional television;~~

4 ~~(b) The amount established in the General Appropriations Act for purposes of~~
5 ~~state aid for school food services;~~

6 ~~(c) The amount established in the General Appropriations Act for purposes of~~
7 ~~state aid for postsecondary vocational education;~~

8 ~~(d) The amount established in the General Appropriations Act for purposes of~~
9 ~~National Guard tuition reimbursement;~~

10 ~~(e) The amount established in the General Appropriations Act for purposes of~~
11 ~~state aid for youth at risk (alternative schools);~~

12 ~~(f) The amount established in the General Appropriations Act for purposes of~~
13 ~~state aid for auxiliary placement and tuition;~~

14 ~~(g) The amount established in the General Appropriations Act for purposes of~~
15 ~~reorganization incentives; and~~

16 ~~(h) The amount established in the General Appropriations Act for purposes of~~
17 ~~second-chance payments;~~

18 ~~shall be subtracted from the total amount in the General Appropriations Act for state aid to~~
19 ~~education. The amount of state aid remaining shall be known as the school aid transition fund.~~

20 Section 10. That § 13-13-67 be repealed.

21 ~~13-13-67. The school aid transition fund shall be apportioned as follows:~~

22 ~~(1) The amount which was paid to school districts in fiscal year 1995 under the~~
23 ~~foundation program multiplied by 1.031 and known as transition formula aid;~~

24 ~~(2) The sum of:~~

1 ~~———— (a) The amount which was paid to school districts in fiscal year 1995 for personal~~
2 ~~property tax replacement in accordance with §§ 13-13-57 and 13-13-58;~~

3 ~~———— (b) The amount which was paid to school districts in fiscal year 1995 for~~
4 ~~education salaries and benefits in accordance with §§ 13-13-52, 13-13-53, 13-~~
5 ~~13-53.1, and 13-13-54;~~

6 ~~———— (c) The amount which was paid to school districts in fiscal year 1995 for teacher~~
7 ~~inservice in accordance with § 13-26-2.3;~~

8 ~~———— (d) The amount which was paid to school districts in fiscal year 1995 for gifted~~
9 ~~education in accordance with § 13-33-15; and~~

10 ~~———— (e) The amount which was paid to school districts and multidistrict centers in~~
11 ~~fiscal year 1995 under the provisions of §§ 13-39-19, 13-39-53, 13-39-56, and~~
12 ~~13-39-57 for secondary vocational education.~~

13 ~~— The total of subsections (2)(a) to (2)(e), inclusive, in this section shall be known as transition~~
14 ~~categorical aid.~~

15 ~~— The sum of transition formula aid and transition categorical aid shall be subtracted from the~~
16 ~~school aid transition fund.~~

17 Section 11. That § 13-13-69 be repealed.

18 ~~— 13-13-69. The Department of Education shall distribute the proceeds in the school aid~~
19 ~~transition fund to each eligible school district according to the following calculations:~~

20 ~~— (1) A base amount equal to the district's fiscal year 1995 allocation under the foundation~~
21 ~~program multiplied by 1.031 and known as transition formula aid; and~~

22 ~~— (2) The sum of:~~

23 ~~———— (a) The amount paid to the district in fiscal year 1995 for personal property tax~~
24 ~~replacement in accordance with §§ 13-13-57 and 13-13-58;~~

1 ~~———— (b) — The amount paid to the district in fiscal year 1995 for education salaries and~~
2 ~~benefits in accordance with §§ 13-13-52, 13-13-53, 13-13-53.1, and 13-13-54;~~

3 ~~———— (c) — The amount paid to the district in fiscal year 1995 for teacher inservice in~~
4 ~~accordance with § 13-26-2.3;~~

5 ~~———— (d) — The amount paid to the district in fiscal year 1995 for gifted education in~~
6 ~~accordance with § 13-33-15; and~~

7 ~~———— (e) — The amount paid to the district in fiscal year 1995 under the provisions of~~
8 ~~§§ 13-39-19, 13-39-53, 13-39-56, and 13-39-57 for secondary vocational~~
9 ~~education.~~

10 ~~— The sum of subsections (2)(a) to (2)(e), inclusive, in this section shall be known as transition~~
11 ~~categorical aid.~~

12 Section 12. That § 13-13-70 be repealed.

13 ~~— 13-13-70. Notwithstanding the provisions in §§ 13-13-52, 13-13-53, 13-13-53.1, and 13-13-~~
14 ~~54 regarding educational salaries and benefits, §§ 13-13-57 and 13-13-58 regarding personal~~
15 ~~property tax replacement, § 13-26-2.3 regarding teacher inservice, §§ 13-33-14, 13-33-15, and~~
16 ~~13-33-16 regarding gifted education, the Department of Education shall distribute the school~~
17 ~~aid transition fund for the 1996B school fiscal half-year to each eligible school district equal to~~
18 ~~the sum of the following calculations multiplied by 0.5:~~

19 ~~— (1) — A base amount equal to the district's FY 1996 allocation of transition formula aid~~
20 ~~multiplied by 1.030; and~~

21 ~~— (2) — An amount equal to the district's FY 1996 allocation of transition categorical aid.~~

22 ~~— The Department of Education shall distribute the remaining funds available in the school~~
23 ~~aid transition fund for the 1996B school fiscal half-year as provided in §§ 13-13-55 and 13-13-~~
24 ~~56 for growth factor funds.~~

1 Section 13. That § 13-16-30 be repealed.

2 ~~—13-16-30. Any funds received from the federal government under the provisions of P.L. 103-~~
3 ~~382, title VIII for basic support may be deposited into the P.L. 103-382, title VIII fund.~~

4 Section 14. That § 13-16-31 be repealed.

5 ~~—13-16-31. The P.L. 103-382, title VIII fund shall serve as a fund from which transfers shall~~
6 ~~be made to the funds enumerated in § 13-16-2. A school district may not make expenditures out~~
7 ~~of its P.L. 103-382, title VIII fund. Transfers out of the P.L. 103-382, title VIII fund shall be~~
8 ~~made at the discretion of the school board.~~

9 Section 15. That § 13-30-4 be repealed.

10 ~~—13-30-4. When a student is entitled to a transportation allowance but transportation or bus~~
11 ~~service is not practicable, the school board shall pay room and board in lieu of transportation~~
12 ~~for those students who are boarded away from home to attend a public school at the rate per~~
13 ~~month as determined by the school board. However, any student who either attends, or is~~
14 ~~required under any provision of this title to attend at any school in his own district where~~
15 ~~dormitory facilities are furnished and available for him, shall not be entitled to any allowance~~
16 ~~for board and room.~~

17 Section 16. That § 13-34-16.2 be repealed.

18 ~~—13-34-16.2. It is declared to be the policy of this state that the common good and general~~
19 ~~welfare of the state are promoted by an educated and enlightened citizenry and, to assist in~~
20 ~~achieving those goals and in accord with the child benefit doctrine, there shall be loaned without~~
21 ~~charge to all persons ages five through nineteen such nonsectarian textbooks and text-related~~
22 ~~workbooks designed for individual use as are normally furnished by the school boards of the~~
23 ~~several public school districts of this state to the students enrolled in the public schools of such~~
24 ~~respective districts. It is further declared to be the policy of this state that, in the loaning of such~~

1 ~~materials to such persons, the state shall be neutral to and between all such persons.~~

2 Section 17. That § 13-34-16.3 be repealed.

3 ~~—13-34-16.3. To implement § 13-34-16.2, each public school board shall loan without charge~~
4 ~~to all persons ages five through nineteen who are either enrolled in a public school, or in a~~
5 ~~school supervised in accord with chapter 13-4, or who are engaged in a course of instruction~~
6 ~~pursuant to § 13-27-3, within the school district under such board's jurisdiction, or who are~~
7 ~~residing in such district but are not enrolled in any such school or engaged in any such course~~
8 ~~of instruction, such nonsectarian textbooks and text-related workbooks designed for individual~~
9 ~~use as are normally furnished by such school board to individual students enrolled in the public~~
10 ~~schools of the district under such board's jurisdiction. All such textbooks and text-related~~
11 ~~workbooks shall be approved by the respective school boards.~~

12 Section 18. That § 13-42-15.1 be repealed.

13 ~~—13-42-15.1. Any person who fails to surrender a teaching certificate pursuant to § 13-42-15~~
14 ~~is subject to a civil penalty of not more than one thousand dollars.~~

15 Section 19. That § 13-42-23 be repealed.

16 ~~—13-42-23. There is established within the Department of Education the South Dakota~~
17 ~~Advisory Council on certification for teachers. The advisory council shall be composed of~~
18 ~~twelve voting members and two nonvoting members, appointed by the Governor. Six of the~~
19 ~~members shall be active public school classroom teachers, one member shall be an active~~
20 ~~nonpublic school classroom teacher, two shall be school administrators, two shall be~~
21 ~~representatives from public state colleges and universities, two shall be staff members of the~~
22 ~~Department of Education, and one shall be from private colleges and universities offering~~
23 ~~teacher education. The two staff members of the Department of Education shall be nonvoting,~~
24 ~~ex officio members of the Advisory Council.~~

1 Section 20. That § 13-42-24 be repealed.

2 ~~13-42-24. Council members shall be appointed to three-year terms, except that initially, one,~~
3 ~~two, and three-year terms shall be decided by lot at the first meeting of the council. If a vacancy~~
4 ~~occurs on the council, an appointment shall be made from the category of membership in which~~
5 ~~the vacancy occurred to serve the unexpired term.~~

6 Section 21. That § 13-42-25 be repealed.

7 ~~13-42-25. The Advisory Council shall:~~

8 ~~(1) Suggest criteria and procedures for evaluating the quality and effectiveness of teacher~~
9 ~~education programs within the state;~~

10 ~~(2) Suggest requirements for the certification of teachers;~~

11 ~~(3) Suggest the standards for renewal of certificates for teachers using academic course~~
12 ~~work and other types of professional growth;~~

13 ~~(4) Solicit and receive reports from representatives of various professional groups,~~
14 ~~qualified in their curriculum areas and other specialized areas;~~

15 ~~(5) Assist on the formulation of recommendations regarding certification of teachers; and~~

16 ~~(6) Collaborate with teacher education institutions in the state on matters dealing with~~
17 ~~teacher certification.~~

18 Section 22. That § 13-43-3.3 be repealed.

19 ~~13-43-3.3. If at any time there is reasonable cause to believe that an employee is suffering~~
20 ~~from an illness detrimental to the health of the pupils, the school board or governing body may~~
21 ~~require a new certification of health. The expense of obtaining additional certifications of health~~
22 ~~will be borne by the school.~~

23 Section 23. That § 13-43-57 be repealed.

24 ~~13-43-57. A long-term substitute teacher is a substitute teacher who is employed as a~~

1 ~~substitute teacher for ten or more consecutive school days as a substitute for the same teacher.~~
2 ~~Each school district shall submit to the Department of Education a report on the district's use~~
3 ~~of long-term substitute teachers during the preceding school year. The report shall include the~~
4 ~~number of long-term substitute teachers used and the reasons, in each specific case, for the use~~
5 ~~of the long-term substitute. The department shall analyze the reports to determine trends in the~~
6 ~~frequency of and reasons for the use of long-term substitute teachers. The South Dakota Board~~
7 ~~of Education shall promulgate rules pursuant to chapter 1-26 to specify the dates and methods~~
8 ~~of reporting and the type of information that is required to be reported pursuant to this section.~~
9 ~~The rules may allow the report to be incorporated into other reports by the district to the~~
10 ~~department.~~

11 Section 24. That § 13-43-58 be repealed.

12 ~~— 13-43-58. Any teacher that teaches a course over the Digital Dakota Network shall receive~~
13 ~~additional compensation for each course and from each school for which the teaching services~~
14 ~~are provided.~~