

Committee: House Education

Wednesday, February 16, 2022 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Davis, Rep. Dennert, Rep. Deutsch, Rep. Healy, Rep. Phil Jensen, Rep. Keintz, Rep. Marty, Rep. Miskimins, Rep. Mortenson, Rep. Odenbach, Rep. Soye, Rep. Stevens, Rep. Sue Peterson, and Rep. Lana Greenfield

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Lana Greenfield

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14TH

Moved by: Phil Jensen
Second by: Dennert
Action: Prevailed by voice vote

HB 1207 : clarify standards for the consideration of open enrollment applications.

Presented by: Representative Jon Hansen, District 25
Proponents: Sean Hegyi, Self, Sioux Falls
DeAnna Berke, Self, Flandreau
Tim Neyhart, Disability Rights South Dakota, Pierre
Alyssa Hinze, Self, Waubay
Opponents: Linda Turner, Department of Education
Dianna Miller, Large School Group, Pierre
Sam Nelson, Sioux Falls School District, Canton

MOTION: DO PASS HB 1207

Moved by: Sue Peterson
Second by: Dennert
Action: Failed by Majority Members Elect (6-9-0-0)

Voting Yes: Dennert, Phil Jensen, Marty, Odenbach, Soye, and Sue Peterson

Voting No: Bartels, Davis, Deutsch, Healy, Keintz, Miskimins, Mortenson, Stevens, and Lana Greenfield

MOTION: DEFER HB 1207 TO THE 41ST LEGISLATIVE DAY

Moved by: Healy
Second by: Mortenson
Action: Prevailed by Majority Members Elect (9-6-0-0)

Voting Yes: Bartels, Davis, Deutsch, Healy, Keintz, Miskimins, Mortenson, Stevens, and Lana Greenfield

Voting No: Dennert, Phil Jensen, Marty, Odenbach, Soye, and Sue Peterson

HB 1252 : create an Office of Public Policy Events at institutions of higher education.

Presented by: Representative Sue Peterson, District 13

MOTION: TO TABLE HB 1252

Moved by: Dennert

Second by: Healy

Action: Prevailed by Majority Members Elect (13-0-2-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Healy, Keintz, Miskimins, Mortenson, Odenbach, Soye, Stevens, Sue Peterson, and Lana Greenfield

Excused: Phil Jensen and Marty

HB 1302 : modify tuition responsibilities for children in treatment facilities.

Presented by: Representative Linda Duba, District 15

Proponents: Linda Turner, Department of Education
Sam Nelson, Sioux Falls School District, Canton**MOTION: AMEND HB 1302**

1302C

On page 1, line 1, of the Introduced bill, after "in " delete "residential "

On page 1, line 2, of the Introduced bill, delete "centers" and insert "facilities"

On page 1, after line 2, of the Introduced bill, insert: "

Section 1. That § 13-28-10 be AMENDED:

13-28-10. ~~If~~ Except as otherwise provided in this section, if a school age child resides in a home other than the residence of ~~his~~ the child's parents, guardian, or noncustodial parents, on a temporary or permanent basis, the school residency of the child is where the parents, noncustodial parents, or guardian reside unless, upon request of the person with whom the child is living, the ~~local school board~~ of the school district accepts the child as a resident of that school district.

If the ~~school~~ board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, ~~appeal to~~ petition the ~~school~~ board for a hearing. The decision of the ~~school~~ board, after the hearing ~~is final and~~, may be appealed to the circuit court.

~~However, a~~ A school age child is a resident of the school district ~~where the school age in which the child is placed by the Unified Judicial System, the Department of Corrections, or entities approved by the Department of Human Services, or the Department of Social Services, including a foster home.~~

On page 1, line 4, of the Introduced bill, delete " residential treatment center or an intensive residential treatment center" and insert " facility"

On page 1, line 6, of the Introduced bill, delete " residential treatment center or intensive residential treatment center " and insert "facility "

On page 1, line 9, of the Introduced bill, after "placed" delete ", or recommended for placement,"

On page 1, line 14, of the Introduced bill, after "or " delete "any entity approved by "

On page 1, line 15, of the Introduced bill, delete "Social " and insert "Human "

On page 1, line 15, of the Introduced bill, after "Services" delete the period

On page 1, line 16, of the Introduced bill, delete "Terms used in this section mean:

- (1) Intensive residential treatment center, a center that is licensed by the Department of Social Services to care seven or more children, and which provides more intensive and frequent services and supervision of children and individualized treatment to prevent runaway behavior, rage and physical aggression, and the likelihood of children injuring themselves or others;
- (2) Residential treatment center, a center licensed by the Department of Social Services to care for seven or more children who have behavioral or emotional problems requiring intensive professional assistance and therapy in a highly structured, self-contained environment; and
- (3) State " and insert ", provided the placement is:
 - (1) In a residential treatment center;
 - (2) In an intensive residential treatment center;
 - (3) In a group care center;
 - (4) In an intermediate care facility; or
 - (5) With a community services provider.

For purposes of this section, the term, school district, means a political subdivision of this state created in accordance with chapter 13-5.

For purposes of this section, the term, state "

On page 2, line 1, of the Introduced bill, after "is, " insert "means "

On page 2, after line 3, of the Introduced bill, insert: "

Section 3. That § 13-28-39 be AMENDED:

13-28-39. The Department of Social Services shall pay tuition costs and related service costs for students in residential treatment centers, intensive residential treatment centers, or group care centers for minors who are under the care and custody of the Department of Social Services, ~~the Unified Judicial System, or other entities approved by the secretary of~~ or the Department of Social Services Corrections.

The Department of Social Services ~~will have~~ has rate setting authority for tuition costs and related service costs.

The ~~secretary of the~~ Department of Social Services ~~may~~ shall promulgate rules, pursuant to chapter 1-26, pertaining to:

- (1) The amount, scope, and duration of services;
- (2) The basis for and extent of provider payments;
- (3) The method and amount of payment;
- (4) The methods of recoupment or recovery of overpayments;
- (5) Administration, record keeping, and audit requirements;
- (6) Compliance monitoring;
- (7) Reporting ~~requirement~~ requirements; and
- (8) Such other standards and requirements as ~~may be necessary~~ to ensure the efficient operation and administration of the program."

On page 2, after line 3, of the Introduced bill, insert: "

Section 4. That § 13-28-52 be AMENDED:

13-28-52. The South Dakota Board of Education Standards may promulgate rules, pursuant to chapter 1-26, regarding services provided and tuition paid for children residing in ~~residential treatment centers or intensive residential treatment centers~~ a facility, as provided in §§ 13-28-11 and 13-13-87, including:

- (1) The scope, duration, and requirements of enrollment for purposes of qualifying for and calculating rates and payments;
- (2) The amount, scope, and duration of services;
- (3) The basis for, extent of, and timing of payments;
- (4) The method and amount of payment;
- ~~(5)~~ (6) The methods of recoupment or recovery of overpayments;
- ~~(5)~~ (6) Reporting requirements;

- ~~(6)~~(7) Designation of additional state operated schools referenced in § 13-28-11; and
- ~~(7)~~(8) Other standards and requirements as may be necessary to ensure the efficient operation and administration of the program."

Moved by: Healy
 Second by: Stevens
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1302 AS AMENDED

Moved by: Stevens
 Second by: Healy
 Action: Prevailed by Majority Members Elect (11-3-1-0)

Voting Yes: Bartels, Davis, Deutsch, Healy, Keintz, Miskimins, Mortenson, Soye, Stevens, Sue Peterson, and Lana Greenfield

Voting No: Dennert, Phil Jensen, and Marty

Excused: Odenbach

HB 1309 : prohibit the use of political litmus tests in education.

Presented by: Representative Sue Peterson, District 13
 Opponents: Nathan Lukkes, Board of Regents

MOTION: AMEND HB 1309

1309C

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 13-49-14 be AMENDED:

13-49-14. The Board of Regents may employ and dismiss all officers, instructors, and employees of such institutions, necessary to the proper management thereof, to determine their number, qualifications, and duties, fix the term of their employment, and rate and manner of their compensation, provide for sabbatical leave on part pay, and provide for a retirement program.

No person may be employed or dismissed, or accorded preferential, adverse, or unequal treatment with respect to any application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment, by reason of the person's:

- (1) Ideological, political, or sectarian opinions or perspectives, including any initiative or formation of diversity, equity, and inclusion, beyond upholding the equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution; or
- (2) Race, color, creed, religion, sex, ancestry, disability, or national origin."

Moved by: Phil Jensen
 Second by: Mortenson
 Action: Prevailed by voice vote

MOTION: DO PASS HB 1309 AS AMENDED

Moved by: Soye
Second by: Dennert
Action: Failed by Majority Members Elect (7-8-0-0)

Voting Yes: Dennert, Deutsch, Phil Jensen, Marty, Odenbach, Soye, and Sue Peterson
Voting No: Bartels, Davis, Healy, Keintz, Miskimins, Mortenson, Stevens, and Lana Greenfield

MOTION: DEFER HB 1309 TO THE 41ST LEGISLATIVE DAY

Moved by: Healy
Second by: Bartels
Action: Prevailed by Majority Members Elect (8-7-0-0)

Voting Yes: Bartels, Davis, Healy, Keintz, Miskimins, Mortenson, Stevens, and Lana Greenfield
Voting No: Dennert, Deutsch, Phil Jensen, Marty, Odenbach, Soye, and Sue Peterson

HB 1304 : address child care.

Presented by: Representative Linda Duba, District 15

MOTION: TO TABLE HB 1304

Moved by: Bartels
Second by: Soye
Action: Prevailed by Majority Members Elect (12-0-3-0)

Voting Yes: Bartels, Davis, Deutsch, Phil Jensen, Keintz, Marty, Miskimins, Mortenson, Soye, Stevens, Sue Peterson, and Lana Greenfield
Excused: Dennert, Healy, and Odenbach

HB 1303 : address elementary and secondary education.

Presented by: Representative Linda Duba, District 15

MOTION: AMEND HB 1303

1303A

- On page 1, line 1, of the Introduced bill, delete "address elementary and secondary education" and insert " direct the Department of Education to create the Education Cost Efficiency Task Force"
- On page 1, line 3, of the Introduced bill, delete "This bill addresses elementary and secondary education." and insert " The Department of Education shall assemble the Education Cost Efficiency Task Force to examine the program and administrative efficiency and cost effectiveness of school districts. The task force"
- On page 1, line 3, of the Introduced bill, after "education." insert " shall consist"
- On page 1, line 3, of the Introduced bill, after "education." insert " of at least twenty members and"

On page 1, line 3, of the Introduced bill, after "education." insert " must"

On page 1, line 3, of the Introduced bill, after "education." insert " include:

(1) Two senators,"

On page 1, line 3, of the Introduced bill, after "education." insert " at least one of whom is"

On page 1, line 3, of the Introduced bill, after "education." insert " a member of the Committee on Appropriations, appointed by the president pro tempore of the Senate;

(2) Two representatives,"

On page 1, line 3, of the Introduced bill, after "education." insert " at least one of whom is"

On page 1, line 3, of the Introduced bill, after "education." insert " a member of the Committee on Appropriations, appointed by the speaker of the House of Representatives;

(3) Six administrators, as defined in § 13-42-1:

(a) Two from districts with enrollments of two hundred or fewer students;

(b) Two from districts with enrollments between two hundred one and five hundred ninety-nine students; and

(c) Two from districts with enrollments of six hundred or more students;

(4) Two teachers;

(5) Six school board members:

(a) Two from districts with enrollments of two hundred or fewer students;

(b) Two from districts with enrollments between two hundred one and five hundred ninety-nine students; and

(c) Two from districts with enrollments of six hundred or more students; and

(6) The secretary of education.

The secretary of education may appoint ex-officio members from the department.

"

On page 1, after line 3, of the Introduced bill, insert: "

Section 2. The Education Cost Efficiency Task Force shall review:

(1) Virtual learning and potential for expansion;

(2) Combining operations and functions across school districts; and

(3) Any other cost-effective measures as determined by the task force."

On page 1, after line 3, of the Introduced bill, insert: "

Section 3. All expenses incurred in carrying out the work of the Education Cost Efficiency Task Force must be paid out of funds appropriated or otherwise provided to the Department of Education. The department shall present the findings of the task force to the Governor and to the Joint Committee on Appropriations no later than November 15, 2022. "

Moved by: Healy

Second by: Dennert

Action: Failed by roll call vote (7-8-0-0)

Voting Yes: Davis, Dennert, Healy, Keintz, Miskimins, Soye, and Stevens

Voting No: Bartels, Deutsch, Phil Jensen, Marty, Mortenson, Odenbach, Sue Peterson, and Lana Greenfield

MOTION: TO TABLE HB 1303

Moved by: Bartels

Second by: Mortenson

Action: Prevailed by Majority Members Elect (12-3-0-0)

Voting Yes: Bartels, Davis, Dennert, Deutsch, Phil Jensen, Marty, Miskimins, Mortenson, Odenbach, Soye, Sue Peterson, and Lana Greenfield

Voting No: Healy, Keintz, and Stevens

MOTION: ADJOURN

Moved by: Stevens
Second by: Dennert
Action: Prevailed by voice vote

Ty J. Paulsen, Committee Secretary

/s/ LANA GREENFIELD
Lana Greenfield, Chair