

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0161

HOUSE BILL NO. 1043

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1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding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 That § 13-1-44 be repealed.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 That § 13-1-50 be repealed.

12 ~~— 13-1-50. The South Dakota American Indian language revitalization program is hereby~~
13 ~~established. The Office of Indian Education shall develop a pilot program to offer instruction~~
14 ~~in the Lakota, Dakota, and Nakota languages to educators of South Dakota American Indian~~
15 ~~students. The pilot program may be extended to offer instruction in the Lakota, Dakota, or~~



1 ~~Nakota language directly to South Dakota American Indian students in accordance with the~~
2 ~~language associated with the students' tribe. Nothing in this section restricts the instruction of~~
3 ~~Dakota, Nakota, or Lakota to a student from a different tribal language group. The Office of~~
4 ~~Indian Education shall provide a report on the status of the development and implementation~~
5 ~~of the South Dakota American Indian language revitalization program to the 2009 Legislature.~~

6 Section 3. That § 13-3-73 be repealed.

7 ~~—13-3-73. There is hereby created the teacher compensation assistance program within the~~
8 ~~Department of Education to provide funds to school districts for the purpose of assisting school~~
9 ~~districts with teacher compensation. School districts are eligible to receive funds from the~~
10 ~~teacher compensation assistance program based on their fall enrollment numbers. The~~
11 ~~department shall provide four-fifths of the funds for the teacher compensation assistance~~
12 ~~program to each participating school district. The Board of Education shall promulgate rules,~~
13 ~~pursuant to chapter 1-26, to create an oversight board appointed by the secretary of education~~
14 ~~for approval of applications as well as guidelines for district applications based on district~~
15 ~~instructional goals, market compensation or other specific district requirements as approved by~~
16 ~~the department. Participation in the program is discretionary. District applications shall be~~
17 ~~approved by the local board of education. The applications shall be reviewed by the teacher~~
18 ~~compensation assistance program oversight board and shall be recommended to the Board of~~
19 ~~Education for final approval.~~

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

22 Section 4. That § 13-3-74 be repealed.

23 ~~—13-3-74. The Teacher Compensation Assistance Program Oversight Board shall annually~~
24 ~~monitor the progress of participating school districts with their teacher compensation assistance~~

1 ~~plans, and submit its findings to the Board of Education.~~

2 Section 5. That § 13-3-74.1 be repealed.

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

11 Section 6. That § 13-3-74.2 be repealed.

12 ~~—13-3-74.2. The council shall examine how teacher quality and teacher salaries in the state~~
13 ~~can be enhanced, and how the funds appropriated in fiscal year 2010 and in subsequent fiscal~~
14 ~~years by the state for the teacher compensation assistance program established in § 13-3-73 can~~
15 ~~best be utilized to assist in that effort. The council shall consider a variety of issues surrounding~~
16 ~~teachers including market compensation, a tiered licensure system, a system for evaluating~~
17 ~~teachers, mentoring and induction programs for teachers, and continuing contracts for teachers.~~

18 Section 7. That § 13-3-74.3 be repealed.

19 ~~—13-3-74.3. The council shall complete its work and the secretary of education shall provide~~
20 ~~its recommendations to the Governor and to the Executive Board of the Legislative Research~~
21 ~~Council no later than November 15, 2008.~~

22 Section 8. That § 13-3-75 be repealed.

23 ~~—13-3-75. The South Dakota Board of Education shall promulgate rules pursuant to chapter~~
24 ~~1-26 establishing the application process; application timelines; the guidelines for district~~

1 applications based on school district instructional goals or market compensation; and a system
2 to monitor the progress of participating school districts with their compensation assistance plans
3 and to ensure that each participating school district is complying with the plan as submitted to
4 the board.

5 Section 9. That § 13-3-83.1 be repealed.

6 ~~—13-3-83.1. Once all the school districts with approved applications have received their~~
7 ~~funding pursuant to § 13-3-73, the Department of Education may set aside from any funds~~
8 ~~remaining, a sum not to exceed one hundred thousand dollars from the teacher compensation~~
9 ~~assistance program appropriation for the purpose of providing grants to educational cooperatives~~
10 ~~and multi-district centers that employ teachers for public schools. The South Dakota Board of~~
11 ~~Education may promulgate rules, pursuant to chapter 1-26, to establish the granting process.~~

12 Section 10. That § 13-6-92 be repealed.

13 ~~—13-6-92. If two or more school districts consolidate after July 1, 2001 and on or before July~~
14 ~~1, 2007, the new school district is entitled to an additional three hundred dollars per average~~
15 ~~daily membership as defined in § 13-13-10.1, up to a maximum of four hundred average daily~~
16 ~~membership from each school district or a prorated portion thereof from a partial school district~~
17 ~~as it existed prior to consolidation for the first year after consolidation. If two or more school~~
18 ~~districts consolidate after July 1, 2001 and on or before July 1, 2007, the new school district is~~
19 ~~entitled to an additional two hundred dollars per average daily membership as defined in § 13-~~
20 ~~13-10.1, up to a maximum of four hundred average daily membership from each school district~~
21 ~~or a prorated portion thereof from a partial school district as it existed prior to consolidation for~~
22 ~~the second year after consolidation. If two or more school districts consolidate after July 1, 2001~~
23 ~~and on or before July 1, 2007, the new school district is entitled to an additional one hundred~~
24 ~~dollars per average daily membership as defined in § 13-13-10.1, up to a maximum of four~~

1 hundred average daily membership from each school district or a prorated portion thereof from
2 a partial school district as it existed prior to consolidation for the third year after consolidation.

3 ~~— If two or more school districts consolidate after July 1, 2007, and on or before July 1, 2010,~~
4 ~~for the first year after consolidation, each new school district is entitled to one thousand dollars~~
5 ~~for each sending district student included in the receiving district's fall enrollment for the first~~
6 ~~year after consolidation, up to a maximum of four hundred sending district students. If two or~~
7 ~~more school districts consolidate after July 1, 2007, and on or before July 1, 2010, for the~~
8 ~~second year after consolidation, each new school district is entitled to eight hundred dollars for~~
9 ~~each sending district student included in the receiving district's fall enrollment for the first year~~
10 ~~after consolidation, up to a maximum of four hundred sending district students. If two or more~~
11 ~~school districts consolidate after July 1, 2007, and on or before July 1, 2010, for the third year~~
12 ~~after consolidation, each new school district is entitled to four hundred dollars for each sending~~
13 ~~district student included in the receiving district's fall enrollment for the first year after~~
14 ~~consolidation, up to a maximum of four hundred sending district students.~~

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

18 Section 11. That § 13-6-92.1 be repealed.

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

1 after consolidation. If two or more school districts consolidate after July 1, 2007, and the
2 secretary of education has issued an order to give effect to the reorganization plan pursuant to
3 § 13-6-48 no later than July 1, 2008, the new school district is entitled to an additional four
4 hundred dollars per fall enrollment, up to a maximum of four hundred fall enrollment from each
5 school district or a prorated portion thereof from a partial school district as it existed prior to
6 consolidation for the second year after consolidation. If two or more school districts consolidate
7 after July 1, 2007, and the secretary of education has issued an order to give effect to the
8 reorganization plan pursuant to § 13-6-48 no later than July 1, 2008, the new school district is
9 entitled to an additional two hundred dollars per fall enrollment, up to a maximum of four
10 hundred fall enrollment from each school district or a prorated portion thereof from a partial
11 school district as it existed prior to consolidation for the third year after consolidation.

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

14 Section 12. That § 13-6-92.2 be repealed.

15 — 13-6-92.2. For the purposes of §§ 13-6-92 and 13-6-92.1, the following terms mean:

16 — (1) — "New school district," a school district which is formed as the result of a
17 consolidation of two or more school districts;

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

20 — (3) — "Sending district," a school district which is not a receiving school district whose
21 land has become part of another school district; and

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

1 Section 13. That § 13-6-93 be repealed.

2 ~~— 13-6-93. For the purposes of §§ 13-6-92 to 13-6-96, inclusive, no student may be counted~~
3 ~~more than once.~~

4 Section 14. That § 13-6-94 be repealed.

5 ~~— 13-6-94. The entitlement provided by §§ 13-6-92 to 13-6-96, inclusive, shall be paid by the~~
6 ~~Department of Education out of any money appropriated for the purposes of §§ 13-6-92 to 13-6-~~
7 ~~96, inclusive.~~

8 Section 15. That § 13-6-95 be repealed.

9 ~~— 13-6-95. The restriction on transfers imposed by § 13-16-26.2 does not apply to any money~~
10 ~~received by a school district under the provisions of §§ 13-6-92 to 13-6-96, inclusive.~~

11 Section 16. That § 13-6-96 be repealed.

12 ~~— 13-6-96. The Department of Education may promulgate rules pursuant to chapter 1-26 to~~
13 ~~implement the provisions of §§ 13-6-92 to 13-6-96, inclusive.~~

14 Section 17. That § 13-14-3 be repealed.

15 ~~— 13-14-3. All funds that shall be received by the several counties of this state, from the~~
16 ~~secretary of agriculture of the United States, out of the revenues received by the secretary from~~
17 ~~the use of land acquired by the United States under the provision of "The Bankhead-Jones Farm~~
18 ~~Tenant Act" shall be apportioned, by the county commissioners of each county, among the~~
19 ~~several school districts having children requiring school facilities, according to the acreage of~~
20 ~~such land in said districts, and upon such apportionment, shall be paid to such school districts~~
21 ~~by the county treasurers, to be used for school purposes in accordance with the provisions of~~
22 ~~said federal act.~~

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

24 ~~— 13-18-12. Outstanding registered warrants and refunding bonds for registered warrants of~~

1 ~~school districts issued before January 1, 1983, for the purpose of operating schools within the~~
2 ~~school district, are hereby reaffirmed, legalized, and validated and declared to be legal, valid,~~
3 ~~and binding obligations of said school district.~~

4 Section 19. That § 13-27-12 be repealed.

5 ~~— 13-27-12. The secretary of the Department of Education, or his designee, shall enforce the~~
6 ~~provisions of this chapter and the laws of this state relating to compulsory attendance of persons~~
7 ~~of school age. In the performance of these duties he has the same authority granted truancy~~
8 ~~officers.~~

9 Section 20. That § 13-47-19 be repealed.

10 ~~— 13-47-19. The secretary of education is hereby authorized to arrange with the South Dakota~~
11 ~~board of directors for educational telecommunications time necessary during each and every~~
12 ~~school day for telecasting instructional telecommunications programs for use in the elementary~~
13 ~~and secondary schools of the state.~~

14 Section 21. That § 13-47-20 be repealed.

15 ~~— 13-47-20. The secretary of education may also arrange for suitable time to provide in-service~~
16 ~~training to schools to help instructional staff and other school personnel to better utilize the~~
17 ~~instructional telecommunications media.~~

18 Section 22. That § 13-47-21 be repealed.

19 ~~— 13-47-21. The Bureau of Information and Telecommunications shall advise the Secretary~~
20 ~~of Education and shall assist him in reviewing, previewing, and recommending elementary and~~
21 ~~secondary instructional telecommunications programs to be telecast to the schools of this state~~
22 ~~in order that the program of instructional telecommunications meets the needs of the local~~
23 ~~school systems.~~