

Committee: Senate Education

Thursday, March 05, 2020 7:45 AM

Roll Call

Present: Sen. Bolin, Sen. Phil Jensen, Sen. V. J. Smith, Sen. Steinhauer, Sen. Heinert, Sen. Schoenfish, and Sen. Curd

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Curd**

**MOTION: TO APPROVE THE MINUTES OF TUESDAY, MARCH 03<sup>RD</sup>**

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

**MOTION: RECONSIDER HB 1213**

Moved by: Curd  
Second by: Steinhauer  
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, Phil Jensen, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Heinert

**MOTION: AMEND HB 1213**

1213B

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 13-36-4 be  
AMENDED:

"

On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "13-36-4. "

On page 1, line 5, of the Introduced bill, after "13-36-4. " delete "Delegation of control, supervision,  
and regulation of high school interscholastic activities to association. "

On page 1, line 6, of the Introduced bill, after "association. " delete "

The school board of a public school, approved and accredited by the secretary of the Department of  
Education, may delegate, on a year to year basis, the control, supervision, and  
regulation of any high school interscholastic activities to any association which is  
voluntary and nonprofit if:

- (1) Membership in the association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title;
- (2) The constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board;
- (3) The report of any audit required by § 13-26-5 is made public on the association's website as well as the Department of Legislative Audit's website;
- (4) The association complies with the provisions of chapter 1-25 and chapter 1-27. However, the association, and its employees, meetings, and records, are afforded the

- same exemptions and protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-27; and
- (5) The association shall report to the Government Operations and Audit Committee annually, or at the call of the chair.

The governing body of a nonpublic school, approved and accredited by the secretary of the Department of Education, or AdvancED, or the Association of Christian Schools International (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA), or Commission for Oceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board.

Any association which that complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools, except as otherwise provided in § 13-36-4. 1. The association may promulgate reasonable uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation of the rules."

On page 2, line 20, of the Introduced bill, after "rules." delete "Section 2. That a NEW SECTION be added:

"

On page 2, line 21, of the Introduced bill, after "added:" delete "Exclusive broadcast rights—Assignment--Limitation."

On page 2, line 21, of the Introduced bill, after "rights—Assignment--Limitation." delete "

The authority to exercise control, supervision, and regulation of interscholastic activities, including interscholastic athletic events, as set forth in § 13-36-4, does not include the authority to grant or assign exclusive broadcast rights for state-level events to a media contractor."

Moved by: Steinhauer

Second by: Bolin

Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, Phil Jensen, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Heinert

**MOTION: AMEND HB 1213**

1213A

On page 1, line 1, of the Introduced bill, delete "preclude the assignment of exclusive broadcast rights for certain high school interscholastic activities" and insert "enhance education in South Dakota"

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

"

**Section 1. Education in South Dakota is hereby enhanced.**

"

Moved by: Curd

Second by: Steinhauer

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1213 AS AMENDED**

Moved by: Schoenfish  
 Second by: Bolin  
 Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, Phil Jensen, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Heinert

**HB 1228 : include children with a hearing loss in the reporting criteria required for deaf and hard-of-hearing children.**

Presented by: Representative Erin Healy  
 Proponents: Teresa Nold, self, Harrisburg  
 Anne Land, self, Baltic  
 Emma Bader, self, Sioux Falls  
 Dr. Ben Jones, Secretary, South Dakota Department of Education  
 Senator Reynold Nesiba

**MOTION: AMEND HB 1228**

1228C

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

"

**Section 1.** That § 13-33B-10 be AMENDED:

13-33B-10. Reporting criteria specific to language and literacy development.

Before August 1, 2020, the department shall establish reporting criteria, using existing data reported in compliance with the federally required state performance plan on students with disabilities, that is specific to language and literacy development of deaf and hard-of-hearing children from birth to five years of age, inclusive.

Beginning on July 1, 2021, in conjunction with the department's annual collection of data on children with disabilities served, the department shall also annually report the number of enrolled students from birth to age twenty-one, regardless of disability status, who have a documented hearing loss of thirty-five decibels or more, unaided unilaterally or bilaterally.

**Section 2.** That § 13-33B-11 be AMENDED:

13-33B-11. Implementation and application of §§ 13-33B-4 to 13-33B-10.

The implementation of §§ 13-33B-4 to 13-33B-10, inclusive, shall be consistent with federal law regarding the education of children with disabilities and the privacy of student information. Sections 13-33B-4 to ~~13-33B-10~~13-33B-9, inclusive, only apply to children from birth to five years of age.

"

Moved by: Steinhauer  
 Second by: Bolin  
 Action: Prevailed by voice vote

**MOTION: DO PASS HB 1228 AS AMENDED**

Moved by: Steinhauer  
 Second by: Heinert

Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Heinert, Schoenfish, and Curd

Excused: Phil Jensen

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1228 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HB 1263 : revise certain provisions regarding the dates on which certain school district elections may be held.**

Presented by: Representative Goodwin

Proponents: Don Hagggar, Americans for Prosperity  
Tonchi Weaver, Citizens for Liberty

Opponents: Wade Pogany, Associated School Boards of South Dakota  
Rob Monson, School Administrators of South Dakota  
Mitch Richter, South Dakota United Schools Association

**MOTION: AMEND HB 1263**

1263I

On page 1, line 1, of the House State Affairs bill, delete " certain provisions regarding the dates on which certain " and insert " voting requirements for "

On page 1, line 2, after "district" insert " bond"

On page 1, line 2, after "elections" delete " may be held"

On the House State Affairs bill, delete everything after the enacting clause and insert:  
"

**Section 1.** That § 13-19-9 be AMENDED:

13-19-9. Authorization, issuance, and sale of bonds--No election.

All school district bonds shall be authorized, issued, and sold as provided in chapter 6-8B, except that ~~no~~:

- (1) An election held pursuant to § 6-8B-2 is void unless more than thirty percent of registered voters in the school district vote in the election, based upon the total number of registered voters in the school district at the last preceding general election as recorded in the statewide voter registration file; and
- (2) No election shall be held to issue bonds to fund registered warrants.

"

Moved by: Steinhauer

Second by: Bolin

Action: Prevailed by voice vote

**MOTION: DEFER HB 1263 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Bolin

Second by: Schoenfish

Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Heinert, Schoenfish, and Curd

Excused: Phil Jensen

**JULIE WESTRA OF LINCOLN COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS**

Presented by: Tiffany Sanderson, Governor's Office

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF JULIE WESTRA OF LINCOLN COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS**

Moved by: Bolin  
Second by: Steinhauer  
Action: Prevailed by roll call vote (5-0-2-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Phil Jensen and Heinert

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED THE APPOINTMENT OF JULIE WESTRA OF LINCOLN COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**PHYLLIS HEINEMAN OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS**

Presented by: Dr. Ben Jones, Secretary, South Dakota Department of Education

**MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF PHYLLIS HEINEMAN OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS**

Moved by: Curd  
Second by: Steinhauer  
Action: Prevailed by roll call vote (5-0-2-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Phil Jensen and Heinert

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED THE APPOINTMENT OF PHYLLIS HEINEMAN OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA BOARD OF EDUCATION STANDARDS AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HCR 6023 : To encourage the Executive Board of the Legislature to create an interim legislative study to address the mental health of first responders.**

Presented by: Representative Rhonda Milstead  
Proponents: Ryker Tieszen, SD Sheriff's Association, Pierre, SD  
Yvonne Taylor, South Dakota Municipal League  
Cliff McClure, self, Interior  
Nick Carlson, self, Rapid City

**MOTION: DO PASS HCR 6023**

Moved by: Steinhauer  
Second by: V. J. Smith  
Action: Prevailed by roll call vote (5-0-2-0)

Voting Yes: Bolin, V. J. Smith, Steinhauer, Schoenfish, and Curd

Excused: Phil Jensen and Heinert

**HCR 6019 : Urging greater awareness and understanding of post-traumatic stress injury.**

Presented by: Senator Reynold Nesiba

**MOTION: AMEND HCR 6019**

HCR6019A

On page 1, line 3, of the Introduced bill, after "injury." delete " WHEREAS, all citizens of the United States possess the basic human right to the preservation of personal dignity; and"

On page 1, line 5, of the Introduced bill, after "and" delete " WHEREAS, all citizens of the United States deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;"

On page 1, line 6, of the Introduced bill, after "well-being;" delete " and "

Moved by: Bolin  
Second by: V. J. Smith  
Action: Prevailed by voice vote

**MOTION: DO PASS HCR 6019 AS AMENDED**

Moved by: Curd  
Second by: Bolin  
Action: Prevailed by roll call vote (4-0-3-0)

Voting Yes: Bolin, V. J. Smith, Schoenfish, and Curd

Excused: Phil Jensen, Steinhauer, and Heinert

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HCR 6019 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**HCR 6024 : Commending automotive enthusiasts in South Dakota and the Specialty Equipment Market Association for their contributions in preserving classic automobiles and urging the Governor to declare a South Dakota Collector Car Appreciation Day this year.**

Presented by: Senator Reynold Nesiba

**MOTION: DO PASS HCR 6024**

Moved by: Schoenfish  
Second by: Phil Jensen  
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Phil Jensen, V. J. Smith, Steinhauer, Heinert, Schoenfish, and Curd

Excused: Bolin

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HCR 6024 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Heinert  
Second by: V. J. Smith  
Action: Prevailed by voice vote

Mona Oehlerking, Committee Secretary

/s/ R. BLAKE CURD  
R. Blake Curd, Chair