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 03RD

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 Haggar, 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 41ST 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