

TITLE 24

DEPARTMENT OF EDUCATION

Article

- 24:01 South Dakota Board of Education, Repealed.
- 24:02 Teacher certification, Superseded.
- 24:03 School accreditation.
- 24:04 Sites for school buildings, Repealed.
- 24:05 Special education.
- 24:06 School buses.
- 24:07 Student due process.
- 24:08 Professional teachers ethics.
- 24:09 Educational cooperatives, Repealed.
- 24:10 Career and technical education.
- 24:11 Professional administrators ethics.
- 24:12 Community education, Repealed.
- 24:13 Modernizing K-12 education, Repealed.
- 24:14 Early intervention program.
- 24:15 Certification.
- 24:16 Teacher preparation program approval, Transferred or Repealed.
- 24:17 General state aid.
- 24:18 ~~Reserved~~ Certificate denial and discipline procedures.
- 24:19 Teacher education program approval, Repealed.
- 24:20 Board of Regents, Repealed.

24:21	University of South Dakota, Reserved.
24:22	USD - Springfield, Reserved.
24:23	South Dakota State University, Reserved.
24:24	School of Mines and Technology, Reserved.
24:25	Northern State University, Reserved.
24:26	Black Hills State University, Reserved.
24:27	Dakota State University, Reserved.
24:28 and 24:29	Reserved.
24:30	State Library.
24:31 to 24:39	Reserved.
24:40	Scholarships and grants.
24:41	Mentoring.
24:42	State accountability system, Repealed.
24:43	Accreditation and school improvement.
24:44 to 24:49	Reserved.
24:50	South Dakota arts council
24:53	Teacher preparation program approval.
24:54	Teacher compensation program, <u>Repealed</u> .
24:55	Public school accountability system.
24:56	Cooperation in education.
24:57	Teacher performance standards and evaluation.
24:58	Principal performance standards and evaluation.

24:10:42:28. The postsecondary technical institutes shall receive state funding, from the amount appropriated by the Legislature less funds reserved in § 24:10:42:27, under a formula that distributes these funds based on full-time equivalent students as follows:

(1) Subtract the total set-asides reserved in § 24:10:42:27 from the total amount appropriated by the Legislature within the general appropriations act;

(2) Determine the number of full-time equivalent students at each institution for the preceding fiscal year using the following calculation:

(a) One "full-time equivalent student" equals 30 credit hours of instruction;

(b) The number of full-time equivalent students for an institution is calculated by dividing tuition collected for the preceding fiscal year by program as per chart of accounts prescribed within the South Dakota School District Accounting Manual by the tuition fee per credit and the quotient is divided by 30 credit hours;

(3) Multiply the number of full-time equivalent students at each institution by the per student allocation to determine the total allocation for the distribution formula. The distribution formula is as follows:

(a) "Per student allocation," for school fiscal year ~~2015~~ 2016 is ~~\$3,329.12~~ \$3,395.71;

(b) Twenty-five percent (25%) of the total allocation will be distributed equally among the four institutions as a baseline for common operations at each technical institute. The funds shall be divided by four (4);

(c) Seventy-five percent (75%) of the total allocation will be distributed within three program categories: high cost-low density programs, high cost programs, and standard cost programs. The funds shall be distributed by determining each program's full-time equivalent

students, multiplied by the weighted program factor multiplied by the weighted per student value;

(d) The Director of the Office of Curriculum, Career & Technical Education, will identify the weighted program factor of each program documented on the South Dakota School District Accounting Manual;

(e) The weighted per student value is determined by the allocation divided by adding the total high cost-low density program's full-time equivalent students multiplied by a weighted program factor, plus the total high cost program's full-time equivalent students multiplied by a weighted program factor, plus the total standard cost program's full-time equivalent students by a weighted program factor.

Source: 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 28 SDR 169, effective June 17, 2002; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 169, adopted April 21, 2010, effective July 1, 2010; 40 SDR 229, effective July 1, 2014.

General Authority: SDCL 13-39-37.

Law Implemented: SDCL 13-39-37 to 13-39-39.

CHAPTER 24:15:03

APPLICATIONS FOR CERTIFICATES

Section

- 24:15:03:01 Application process for certification.
- 24:15:03:02 Five-year certificate.
- 24:15:03:03 Two-year alternative certificate.
- 24:15:03:03.01 One-year certificate
- 24:15:03:04 ~~Revoke, suspend, or void a certificate~~ Repealed.
- 24:15:03:05 Fee for a South Dakota certificate.
- 24:15:03:06 Renewal process.
- 24:15:03:07 Additional authorizations.
- 24:15:03:08 Restrictions on additional authorizations.
- 24:15:03:09 Updating a lapsed certificate.
- 24:15:03:10 Repealed.
- 24:15:03:11 Applicants from out-of-state with National Board Certification.
- 24:15:03:12 Ten-year certificate.

24:15:03:04. Revoke, suspend, or void a certificate. ~~An applicant whose certificate has been revoked or suspended by another state or a commonwealth, territory, or possession of the United States or a foreign country may not be certified until that revocation or suspension has been vacated. The process of revoking or suspending an existing South Dakota certificate is defined in SDCL chapter 13-42 and in articles 24:08 and 24:11. Notification of all licensure and certification actions shall be made to the holder and the holder's employer and shall be placed on the National Association of State Directors of Teacher Education and Certification database by~~

~~the Secretary of Education. The department may void and reissue a certificate at no cost to the applicant if review of documentation indicates an error was made in the original issuance. Notification of such actions shall be made to the holder and to the holder's school employer~~
Repealed.

Source: 24 SDR 160, adopted May 8, 1998, effective September 1, 2000; 31 SDR 129, effective March 22, 2005.

General Authority: ~~SDCL 13-1-12.1, 13-42-3.~~

Law Implemented: ~~SDCL 13-42-1 to 13-42-4.~~

CHAPTER 24:15:06

REQUIREMENTS FOR EDUCATION ENDORSEMENT PROGRAMS

Section

24:15:06:01	Authority of department to issue endorsements.
24:15:06:02	Birth through preschool education endorsement.
24:15:06:03	Kindergarten education endorsement.
24:15:06:04	5-8 middle level education endorsement.
24:15:06:05	5-8 middle level education endorsement for content areas.
24:15:06:06	7-12 language arts education endorsement.
24:15:06:07	7-12 mathematics education endorsement.
<u>24:15:06:07.01</u>	<u>7-12 intermediate mathematics endorsement.</u>
24:15:06:08	7-12 science education endorsement.
24:15:06:09	7-12 social science education endorsement.
24:15:06:10	7-12 agriculture education endorsement.
24:15:06:11	7-12 business education endorsement.
24:15:06:12	7-12 marketing education endorsement.
24:15:06:13	7-12 technology education endorsement.
24:15:06:14	K-12 art education endorsement.
24:15:06:15	K-12 comprehensive school health education endorsement.
24:15:06:16	K-12 educational technology teacher endorsement.
24:15:06:17	K-12 library media education endorsement.
24:15:06:18	K-12 music education endorsement.
24:15:06:19	K-12 physical education endorsement.

24:15:06:20	K-12 adapted physical education endorsement.
24:15:06:21	K-12 South Dakota Indian studies education endorsement.
24:15:06:22	K-12 deaf or hearing impaired endorsement.
24:15:06:23	Birth through preschool special education endorsement.
24:15:06:24	K-12 world language education endorsement.
24:15:06:25	K-12 English as a new language education endorsement.
24:15:06:26	K-12 gifted education endorsement.
24:15:06:27	K-12 American Sign Language education endorsement.
24:15:06:28	K-12 Braille education endorsement.
24:15:06:29	K-12 Lakota languages education endorsement.
24:15:06:30	7-12 driver education endorsement.
24:15:06:31	Junior ROTC education endorsement.
24:15:06:32	Coach education endorsement.
24:15:06:33	Preschool through grade 8, grade 7 through grade 12, or preschool through grade 12 principal endorsement.
24:15:06:34	Preschool through grade 12 school superintendent endorsement.
24:15:06:35	Birth to age 21 school psychological examiner education endorsement.
24:15:06:36	Preschool through grade 12 principal endorsement.
24:15:06:37	K-12 blind or visually impaired endorsement.
24:15:06:38	Business official endorsement.
24:15:06:39	K-12 mathematics specialist endorsement.
24:15:06:40	K-12 science specialist endorsement.

24:15:06:41 Grade K through grade 8, grade 7 through grade 12, and grade K through grade 12 special education endorsement.

24:15:06:42 7-12 family and consumer science education endorsement.

24:15:06:43 7-12 auto body technology endorsement.

24:15:06:44 7-12 automotive technology endorsement.

24:15:06:45 7-12 building trades endorsement.

24:15:06:46 7-12 computer aided manufacturing endorsement.

24:15:06:47 7-12 computer cabling endorsement.

24:15:06:48 7-12 computer networking endorsement.

24:15:06:49 7-12 computer repair and maintenance endorsement.

24:15:06:50 7-12 culinary arts and restaurant management endorsement.

24:15:06:51 7-12 drafting endorsement.

24:15:06:52 7-12 electronics endorsement.

24:15:06:53 7-12 graphic design endorsement.

24:15:06:54 7-12 health science endorsement.

24:15:06:55 7-12 machine tool technology endorsement.

24:15:06:56 7-12 multi-media endorsement.

24:15:06:57 7-12 welding technology endorsement.

24:15:06:58 6-8 engineering endorsement.

24:15:06:59 9-12 engineering endorsement.

24:15:06:60 9-12 biomedical science endorsement.

24:15:06:61 K-12 classroom technology endorsement.

24:15:06:62 K-12 distance educator endorsement.

24:15:06:63 K-12 technology integrationist endorsement.

24:15:06:64 K-12 technology coordinator endorsement.

24:15:06:65 7-12 Curriculum for Agricultural Science Education endorsement.

24:15:06:07. 7-12 mathematics education endorsement. A 7-12 mathematics education endorsement may be added by ~~the~~:

(1) The passage of the designated state test for high school level mathematics; or

(2) The passage of the designated state test for an intermediate mathematics

endorsement referenced in § 24:15:06:07.01 and the completion of a program of study referenced in § 24:53:07:09.

Source: 25 SDR 13, adopted July 21, 1998, effective September 1, 2000; transferred from § 24:16:08:15, 30 SDR 211, effective July 5, 2004; 32 SDR 41, effective September 11, 2005; 36 SDR 169, effective May 11, 2010.

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-3, 13-42-4.

24:15:06:07.01. 7-12 intermediate mathematics endorsement. A 7-12 intermediate mathematics endorsement may be added by the passage of the designated state test for that endorsement.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-3, 13-42-4.

ARTICLE 24:18

CERTIFICATE DENIAL AND DISCIPLINE PROCEDURES

Chapter

- 24:18:01 Definitions.
- 24:18:02 Hearing procedures.
- 24:18:03 Evidence.
- 24:18:04 Administration.

CHAPTER 24:18:01

DEFINITIONS

Section

- 24:18:01:01 Definitions.

24:18:01:01. Definitions. Terms defined in SDCL 13-42-1 have the same meaning when used in this article. Other terms used in this article mean:

(1) “Application,” all materials necessary to determine whether the applicant meets certification requirements, including the executed application and related documents referenced in chapter 24:15:03, the application fee referenced in § 24:15:03:05, and all other documents requested of the applicant by the department;

(2) “Certification requirements,” the requirements referenced in SDCL chapter 13-42 and articles 24:15 and 24:53;

(3) “Commission,” the Professional Teachers Practices and Standards Commission or the Professional Administrators Practices and Standards Commission referenced in SDCL chapter 13-43; and

(4) “Denial,” a determination that a certificate should not be issued or renewed.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

CHAPTER 24:18:02

HEARING PROCEDURES

Section

24:18:02:01	Notice of denial.
24:18:02:02	Request for hearing.
24:18:02:03	Details of hearing.
24:18:02:04	Final decision.
24:18:02:05	Service of decision.
24:18:02:06	Appeal.
24:18:02:07	Consolidation of actions.

24:18:02:01. Notice of denial. If an application is denied, the department shall serve a written notice on the applicant stating the legal and factual grounds for denial and a statement that a hearing must be requested within thirty days of mailing or personal service of the notice. The notice shall be personally served on the applicant or mailed to the applicant's last known address via certified mail.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:02. Request for hearing. If the department receives a written request for hearing from the applicant within the time limits referenced in § 24:18:02:01, the hearing shall

be conducted consistent with SDCL chapter 1-26 and this article. If no request for hearing is timely received, the notice of denial shall be the final decision of the secretary.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:03. Details of hearing. The hearing shall be assigned by the secretary to the applicable commission or a hearing examiner. The hearing shall be private if the applicant appears at hearing and makes the request. The hearing shall be held in Pierre unless good cause is shown to justify moving the hearing to another location for the convenience of the parties and witnesses.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:04. Final decision. Within thirty days of receipt of the transcript of hearing, the commission or hearing examiner shall prepare and serve a proposed decision and findings of fact and conclusions of law on the parties and provide an opportunity for each party to file exceptions and briefs. The final proposed decision and findings of fact and conclusions of law shall be filed with the secretary. The secretary shall issue a final decision and accept, reject, or modify the findings, conclusions, and proposed decision. Nothing in this section prohibits the secretary from requiring additional evidence within the scope of the notice of hearing.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:05. Service of decision. The final decision of the secretary shall be served upon the applicant, the commission or hearing officer, and, if applicable, the school which last employed the applicant or with whom the applicant has entered into an employment contract.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:06. Appeal. The final decision of the secretary may be appealed to circuit court pursuant to SDCL chapter 1-26.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:02:07. Consolidation of actions. If an applicant is the subject of a complaint before the commission pursuant to SDCL chapters 13-42 and 13-43, the notice of denial shall be referred to the commission for hearing and consolidated with the complaint. If there is a conflict between the procedures for resolution of the complaint and the procedures in this article, the procedures for resolution of the complaint shall control.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

CHAPTER 24:18:03

EVIDENCE

Section

24:18:03:01 Burden of proof.

24:18:03:02 Revocation or suspension in another jurisdiction.

24:18:03:01. Burden of proof. The burden of proof for denial of an application is preponderance of the evidence.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

Collateral Reference: *In re: Jarmon*, 2015 S.D. 8, 860 N.W.2d 1.

24:18:03:02. Revocation or suspension in another jurisdiction. If the certificate of an applicant in another jurisdiction has been revoked or suspended by that jurisdiction, the order of revocation or suspension is prima facie evidence that the applicant does not meet the requirements for certification in this state.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

CHAPTER 24:18:04

ADMINISTRATION

Section

24:18:04:01 Term of disciplinary action.

24:18:04:02 New application.

24:18:04:03 Limitations on right to hearing.

24:18:04:04 Settlements.

24:18:04:05 Records.

24:18:04:01. Term of disciplinary action. An order of revocation shall be permanent, and an order of suspension shall be for a specific time period. An order of denial may be permanent or for a specific time period. The order shall state the term of the disciplinary action.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:04:02. New application. If an order referenced in § 24:18:04:01 is for a specific time period, a new application must be submitted at the conclusion of the time period. Before a certificate can be issued, the person submitting the application must meet all requirements for certification at the time the application is submitted.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:04:03. Limitations on right to hearing. Nothing in this article is intended to provide a right of hearing or appeal to any person who requests reinstatement of a revoked certificate or requests to shorten the period of a suspension or denial. The secretary may summarily deny such a request or modify the order. The secretary may impose conditions as part of a modified order, including the payment of all costs associated with the original order or modified order.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:04:04. Settlements. Nothing in this article prohibits the secretary from entering into a settlement agreement before hearing if settlement would be in the best interests of the department, applicant, and public.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

24:18:04:05. Records. The application, notice of denial, and all other investigative information regarding an applicant are confidential. Unless otherwise provided in this section, the written record and evidence from the hearing, including the proposed decision and findings and conclusions, are confidential if the applicant requests a private hearing. However, the information referenced in this section may be discovered and disclosed as part of a disciplinary proceeding pursuant to this article. In addition, if an application is denied, the information referenced in this section may be disclosed to authorities within this state, another state, the District of Columbia, or a territory or country in which the applicant holds a certificate or has applied for a certificate.

The final decision of the secretary, along with the final findings of fact and conclusions of law, is a public record.

Source:

General Authority: SDCL 13-1-12.1, 13-42-3.

Law Implemented: SDCL 13-1-12.1, 13-42-1, 13-42-1.2, 13-42-3, 13-42-4.

ARTICLE 24:40

SCHOLARSHIPS AND GRANTS

Chapter

- 24:40:01 National guard tuition, Transferred.
- 24:40:02 Student incentive grant program.
- 24:40:03 Student intern program, Repealed.
- 24:40:04 Regulation of postsecondary schools, Repealed.
- 24:40:05 Tuition equalization grant program, Repealed.
- 24:40:06 South Dakota superior scholar program, Repealed.
- 24:40:07 South Dakota educational excellence scholarship program, Repealed.
- 24:40:08 Congressional teacher scholarship program- ,Repealed.
- 24:40:09 Robert C. Byrd honors scholarship program, Repealed.
- 24:40:10 Superior teachers program, Repealed.
- 24:40:11 Christa McAuliffe fellowship program, Repealed.
- 24:40:12 Hagen-Harvey memorial scholarship program
- 24:40:13 South Dakota opportunity scholarship program.

CHAPTER 24:40:05

TUITION EQUALIZATION GRANT PROGRAM

(Repealed)

Section

- ~~24:40:05:01—Definitions.~~
- ~~24:40:05:02—Residency requirements.~~
- ~~24:40:05:03—Duties of the secretary.~~
- ~~24:40:05:04—Duties of the participating eligible institutions.~~

~~24:40:05:05 — Duties of participating students.~~
~~24:40:05:06 — Priority of awards.~~
~~24:40:05:07 — Eligibility of student.~~
~~24:40:05:08 — Termination of student's eligibility.~~
~~24:40:05:09 — Determination of institution's allowance of TEG funds.~~
~~24:40:05:10 — Determination of allowances for entrant institutions.~~
~~24:40:05:11 — Determination of allowable unmet needs.~~
~~24:40:05:12 — Recommendation of awards.~~
~~24:40:05:13 — Announcement of awards.~~
~~24:40:05:14 — Refund of awards.~~
~~24:40:05:15 — Repealed.~~
~~24:40:05:16 — Dual awards prohibited.~~
~~24:40:05:17 — Appeals.~~

24:40:05:01. Definitions. ~~Definitions of terms contained in SDCL 13-55B-1 apply to this chapter. The following definitions also apply to this chapter:~~

~~(1) "Academic term," a period of instruction in a postsecondary institution for which enrollment for a minimum number of courses is required of a full-time student and for which credit is given;~~

~~(2) "Allowable unmet need," the remaining financial need of a student as determined in § 24:40:05:11;~~

~~(3) "Cost of attendance," the cost of attending a particular educational institution reported on the form required by subdivision 24:40:05:04(1);~~

~~(4) "Entrant institution," an eligible institution which has not maintained an agreement with the United States secretary of education for the conduct of any of the student financial assistance programs established under Title IV of the Higher Education Act of 1965, as amended on January 7, 1985, for a period of time long enough to satisfy the requirements of § 24:40:05:10;~~

~~(5) "Full-time student," the status determined by each institution for undergraduate students, according to its own definition of what constitutes full-time status, but not less than 12 credit hours or its equivalent. In the absence of written instructional policy, 12 credit hours per enrollment period is considered full-time;~~

~~(6) "FAA," financial aid administrator;~~

~~(7) "Institution," a participating accredited private institution;~~

~~(8) "Pell grant," a federal basic educational opportunity grant program;~~

~~(9) "TEG," South Dakota tuition equalization grant program Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2.~~

24:40:05:02. Residency requirements.—~~Residency requirements for students are graduation from a South Dakota high school within one year before enrollment at an eligible institution or maintenance of legal residence as a nonstudent in the state of South Dakota for at least 12 months prior to the opening day of the school term during which the student enrolls in an eligible institution. In determining student residency, the burden of proof is on the student and the following shall be considered:~~

- ~~(1) The legal status of the student;~~
- ~~(2) The length of time the student has lived at the current residence;~~
- ~~(3) The employment status of the student;~~
- ~~(4) The location of the student's parents;~~
- ~~(5) The declared residence of the student while in the military services; and~~
- ~~(6) The marital status of the student Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-3.~~

24:40:05:03. Duties of the secretary. ~~In addition to the duties listed in SDCL 13-55B-2 and 13-55B-3, the secretary shall do the following:~~

- ~~(1) Provide all terms, conditions, and required forms for the TEG program;~~
- ~~(2) Calculate each participating eligible institution's allowance of TEG funds according to § 24:40:05:09;~~
- ~~(3) Credit each participating eligible institution with its allowances of TEG funds;~~
- ~~(4) Review and correct errors contained in any application received and either approve or disapprove applications submitted by qualified students through their eligible institution's financial aid office;~~
- ~~(5) Approve and award each student's allocation of available TEG funds based upon the roster of recommendations established in § 24:40:05:04; and~~
- ~~(6) Reallocate any unused TEG funds. Any TEG funds available but not distributed due to the failure of an institution to participate fully in the TEG program shall be distributed by the~~

~~secretary to the remaining participating eligible institutions on the same basis as the initial distributions~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2.~~

24:40:05:04. Duties of the participating eligible institutions. Each participating eligible institution shall do the following:

~~(1) Submit to the secretary by August 1 of each year a copy of reports submitted to the federal government indicating the Pell grant expenditures on the campus for the preceding academic year;~~

~~(2) Make available, upon request by the secretary, the projected cost of attendance at the institution for the next academic year;~~

~~(3) Submit to the secretary institutional policies regarding student refunds and "satisfactory academic progress" criteria and report any modification of the policies;~~

~~(4) Process student TEG applications for each school term by~~

~~(a) Distributing and collecting student applications;~~

~~(b) Verifying eligibility of participating students; and~~

~~(c) Calculating each eligible student's allowable unmet need;~~

~~(5) Submit student applications and a roster of recommendations for each student's TEG award based upon allowable unmet need to the secretary for any school term not later than 30 days after the beginning of the term in which the institution desires to participate in the program.~~

~~The roster shall include the following information for each student:~~

~~(a) Name;~~

~~(b) Allowable unmet need;~~

~~(c) Notice of any previous TEG award to the student; and~~

~~(d) Amount of requested TEG award per school term; and~~

~~(6) Distribute awards to each qualified student TEG recipient and make refunds to the state pursuant to § 24:40:05:14 Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-3, 13-55B-4, 13-55B-6, 13-55B-7.~~

24:40:05:05. Duties of participating students. ~~Students meeting eligibility requirements and desiring to participate in the TEG program shall complete and submit an application form to the institution where they are in attendance or wish to attend. Each student participating in the TEG shall abide by the terms and conditions of the application for participation in the program and shall apply the TEG awards solely to the cost of attendance at the participating eligible institution in which the student is enrolled or plans to enroll Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2.~~

24:40:05:06. Priority of awards. ~~Priority shall be given to students who submit their TEG applications to their FAA by the deadline established by the accredited institution in which the student is in attendance Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-6.~~

24:40:05:07. Eligibility of student. ~~A student meeting the qualifications in SDCL 13-55B-3 and 13-55B-6 for any school term shall establish financial need by applying for participation in the Pell grant program and shall establish allowable unmet need pursuant to § 24:40:05:11 to be considered eligible for a TEG award Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-3, 13-55B-4, 13-55B-6.~~

24:40:05:08. Termination of student's eligibility. ~~A student's eligibility is terminated when the student fails to meet the requirements in SDCL 13-55B-7 or this chapter Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-4, 13-55B-7.~~

24:40:05:09. Determination of institution's allowance of TEG funds. ~~Each eligible institution's allowance of TEG funds shall be determined by computing each participating institution's percentage of the total of all participating institutions' average Pell grant expenditures from the second, third, and fourth preceding school fiscal years. No participating eligible institution or entrant institution enrolling more than 100 qualified students shall receive~~

~~less than \$1,000. No entrant institution enrolling less than 100 qualified students shall receive less than \$500~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-3.~~

24:40:05:10. Determination of allowances for entrant institutions. ~~The allowances of TEG funds for entrant institutions shall be determined by the secretary by multiplying the entrant institution's current enrollment of full-time students by the average Pell grant expenditure for each enrolled, full-time postsecondary student for the third preceding school fiscal year at all eligible institutions within the state. This method of computing allowances for entrant institutions shall be used by the secretary until the entrant institutions satisfy the requirements of § 24:40:05:09~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-3.~~

24:40:05:11. Determination of allowable unmet need. ~~Allowable unmet need shall be determined by subtracting the total of the student's expected family contribution and Pell grant award from the student's cost of attendance at the participating eligible institution in which the student is enrolled~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-4.~~

24:40:05:12. Recommendation of awards. ~~Each participating eligible institution may recommend an award ranging from \$50 to \$125 per academic term to students who meet the eligibility criteria in § 24:40:05:07. The amount of the award shall be recommended by the FAA to the secretary for the secretary's approval, disapproval, or modification. The FAA making the recommendation for each TEG shall consider any other financial assistance available to the qualified students attending that institution. No award may exceed the student's allowable unmet need~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-3, 13-55B-4.~~

24:40:05:13. Announcement of awards. ~~Awards shall be issued pursuant to SDCL 13-55B-3 to 13-55B-5, inclusive, to the student, but shall be grouped according to students' attendance at each institution and distributed in the care and custody of its FAA. Awards shall be issued after certification of enrollment of the students at their institutions is received in the secretary's office~~ Repealed.

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-3.~~

24:40:05:14. Refund of awards. ~~In cases where students have been awarded a TEG and do not meet the eligibility requirements of §§ 24:40:05:02, 24:40:05:05, and 24:40:05:07 or fall under the provisions of SDCL 13-55B-7 or § 24:40:05:08, the entire award amount shall be immediately revoked and refunded to the state by the student through the institution as governed by its refund and financial procedures policies Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2, 13-55B-7.~~

24:40:05:16. Dual awards prohibited. ~~A qualified student may not receive both a TEG award and a South Dakota student incentive grant for the same academic term Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-8.~~

24:40:05:17. Appeals. ~~The TEG applicant or recipient may appeal any decision by the institution or the secretary adversely affecting the student's eligibility by requesting in writing a hearing before the secretary pursuant to the contested case procedure in SDCL 1-26 within 30 days after the institution's or secretary's final decision Repealed.~~

Source: 8 SDR 171, effective June 24, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985.

General Authority: ~~SDCL 13-55B-2.~~

Law Implemented: ~~SDCL 13-55B-2.~~

CHAPTER 24:40:09

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

(Repealed)

Section

~~24:40:09:01 — Definitions.~~

~~24:40:09:02 — Eligibility requirements.~~

~~24:40:09:03 — Application requirements.~~

~~24:40:09:04 — Selection criteria.~~

~~24:40:09:05 — Amount of scholarship.~~

~~24:40:09:05.01 — Continued eligibility for scholarship.~~

~~24:40:09:06 — Scholarship payment.~~

~~24:40:09:07 — Scholarship repayment.~~

~~24:40:09:08 — Availability of funds.~~

24:40:09:01. Definitions. ~~Terms used in this chapter mean:~~

~~(1) "Academic year," a period of time during which a full time student is expected to complete the equivalent of one of the following:~~

~~(a) Two semesters;~~

~~(b) Two trimesters;~~

~~(c) Three quarters;~~

~~(2) "Award year," the period of time from July 1 of one year through June 30 of the following year;~~

~~(3) "Department," the South Dakota Department of Education;~~

~~(4) "Full-time student," a student enrolled in an eligible institution of higher education, other than a correspondence school, who is carrying a full-time academic workload as determined by the institution under standards applicable to all students enrolled in that student's program;~~

~~(5) "Eligible institution of higher education," any public or private nonprofit institution of higher education, proprietary institution of higher education, or postsecondary vocational institution, as defined in the Higher Education Act of 1965 as amended to July 1, 2002, that is currently approved by the United States Department of Education to participate in federal Student Financial Assistance (SFA) programs;~~

~~(6) "Robert C. Byrd honors scholarship," a monetary award provided by the South Dakota Department of Education using funds received through a grant from the United States Department of Education for the purpose of providing scholarships to outstanding high school seniors for a maximum of four years of study at eligible institutions of higher education;~~

~~(7) "Scholar," a Robert C. Byrd honors scholarship recipient;~~

~~(8) "Scholarship," an award made to an individual under this chapter Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993; 29 SDR 171 effective April 21, 2003.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

Editor's Note: The Legislative Research Council substituted "Department of Education" for "Department of Education and Cultural Affairs" in this section to conform to the transfer of functions made by SL 2003, ch 272, § 63 (Executive Order 03-01).

24:40:09:02. Eligibility requirements. Each applicant must:

- ~~(1) Be a South Dakota resident;~~
- ~~(2) Be qualified to graduate from a public or private secondary school; or be qualified to receive a general educational development (GED) certificate in the same academic year in which the applicant submits the scholarship application; and~~
- ~~(3) Have applied or have been accepted for enrollment as a full time student at an eligible institution of higher education.~~

~~To be included in the ranking process, GED recipients must take the ACT test. The applicant may not have defaulted on a federal student loan or other obligation and, if required, must be registered with the United States Selective Service System Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993; 29 SDR 171, effective April 21, 2003.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:03. Application requirements. ~~Applicants meeting the eligibility requirements and desiring to participate in the Robert C. Byrd honors scholarship program shall complete and submit an application to the department. Applications, available from public and private high school counselors or the department, must be submitted by the third Friday of March of the year the applicant desires to receive funds. Initial applications must include a statement from the high school guidance counselor stating that the applicant meets the selection criteria, the applicant's most recent transcript, and the applicant's application to or the acceptance letter from the institution of higher education that the applicant plans to attend Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993; 29 SDR 171, effective April 21, 2003; 34 SDR 322, effective July 1, 2008.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

24:40:09:04. Selection criteria. ~~To be selected for a scholarship, an applicant must have a grade point average of at least 3.5 on an unweighted 4.0 scale through the end of the term most recently completed by the applicant and have an American College Test (ACT) score of 30 or above.~~

~~Applicants meeting these criteria shall be ranked according to ACT score. Applicants with the same ACT score shall be ranked by grade point average.~~

~~Scholars are selected from each of the four divisions of the South Dakota federal district court according to the following calculations:~~

~~(1) Divide the total number of available awards by the total eligible applicants statewide to arrive at the percentage of eligible applicants receiving an award;~~

~~(2) Apply the percentage derived in subdivision (1) to the number of eligible applicants in each division of the South Dakota federal district court to determine how many eligible applicants per division shall receive an award;~~

~~(3) The awards are then granted to eligible applicants in rank order by division with the number of awards per division as determined in subdivision (2). A minimum of one award is made in each division.~~

South Dakota Federal District Court Divisions

DIVISION	Northern	Southern	Central	Western
COUNTIES	Brown Campbell Clark Codington Corson Day	Aurora Beadle Bon-Homme Brookings Brule Charles Mix	Buffalo Dewey Faulk Gregory Haakon Hand	Bennett Butte Custer Fall River Harding Jackson

Deuel	Clay	Hughes	Lawrence
Edmunds	Davison	Hyde	Meade
Grant	Douglas	Jerauld	Pennington
Hamlin	Hanson	Jones	Perkins
McPherson	Hutchinson	Lyman	Shannon
Marshall	Kingsbury	Mellette	
Roberts	Lake	Potter	
Spink	Lincoln	Stanley	
Walworth	McCook	Sully	
	Miner	Todd	
	Minnehaha	Tripp	
	Moody	Ziebach	
	Sanborn		
	Turner		
	Union		
	Yankton		

Repealed.

Source: 13 SDR 183, effective June 11, 1987; 29 SDR 171, effective April 21, 2003; 34 SDR 322, effective July 1, 2008.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:05. Amount of scholarship. ~~The department shall award scholarships of \$1,500 or a prorated amount thereof each year for up to four years of study at an eligible institution of higher education. A scholar must attend an eligible institution of higher education as a full-time student for the first year of study.~~

~~The total amount of financial aid awarded to a scholar for a year of study may not exceed the total cost of attendance. If an over-award occurs, loans must be reduced before a scholarship is reduced.~~

~~A scholar may postpone or interrupt enrollment at an eligible institution of higher education for up to 12 consecutive months without forfeiting the scholarship Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993; 29 SDR 171, effective April 21, 2003.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:05.01. Continued eligibility for scholarship. ~~A scholar remains eligible for scholarship funds after the first year if the scholar continues to meet applicable eligibility requirements in § 24:40:09:02, is enrolled as a full-time student at an eligible institution of higher education, and maintains satisfactory progress as determined by the eligible institution of higher education the scholar is attending. If the department determines after the first year of study that unusual circumstances justify waiver of full-time attendance requirements, the scholar may enroll part-time and continue to receive a scholarship payment prorated according to the scholar's enrollment status Repealed.~~

Source: 20 SDR 96, effective December 29, 1993; 29 SDR 171, effective April 21, 2003.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:06. Scholarship payment. ~~Payment shall be made to each scholar before the end of the academic year. Payment shall be made by a warrant payable to the scholar and the institution the scholar plans to attend. The warrant must be signed by the scholar and an official at the institution. If the scholar's eligible institution of higher education changes before enrollment, the scholar must return the warrant to the department with verification of admittance~~

~~from the eligible institution of higher education the scholar plans to attend. The department shall reissue the warrant and send it to the eligible institution of higher education.~~

~~Within 30 days after the beginning of each semester or quarter, the scholar's financial aid officer must verify that the scholar is enrolled at the institution Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993; 29 SDR 171, effective April 21, 2003.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:07. Scholarship repayment. ~~Scholars who receive a scholarship for a period for which the scholar was ineligible under § 20:40:09:02 or 24:40:09:05.01 must repay the scholarship received during that period to the department by October 1 of the following award year Repealed.~~

Source: 13 SDR 183, effective June 11, 1987; 20 SDR 96, effective December 29, 1993.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:09:08. Availability of funds. ~~This scholarship program is subject to the availability of funds and does not constitute a claim against the state of South Dakota in the absence of an appropriation of expenditure authority for this specific program Repealed.~~

Source: 13 SDR 183, effective June 11, 1987.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

CHAPTER 24:40:11

CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

(Repealed)

Section

~~24:40:11:01—Definitions.~~

~~24:40:11:02—Eligibility requirements.~~

~~24:40:11:03—Fellowship amount.~~

~~24:40:11:04—Projects approved for fellowships.~~

~~24:40:11:05—Fellowship payment.~~

~~24:40:11:06—Selection panel.~~

~~24:40:11:07—Selection factors.~~

~~24:40:11:08—Fellow agreement.~~

~~24:40:11:09—Three month reports.~~

~~24:40:11:10—Repayment.~~

~~**Cross-Reference:** Sections 531-540, inclusive, of Pub. L. No. 102-325 (July 23, 1992).~~

~~**24:40:11:01. Definitions.** Terms defined in this chapter mean:~~

~~(1) "Department," the Department of Education and Cultural Affairs;~~

~~(2) "Fellow," a fellowship recipient;~~

~~(3) "Fellowship," the Christa McAuliffe fellowship;~~

~~(4) "Secretary," the head of the Department of Education and Cultural Affairs Repealed.~~

~~**Source:** 20 SDR 96, effective December 29, 1993.~~

~~**General Authority:** SDCL 13-14-1.~~

~~**Law Implemented:** SDCL 13-14-1.~~

24:40:11:02. Eligibility requirements. ~~Full-time public and private school teachers in South Dakota who have been employed as teachers for eight years or more may apply for a fellowship. The applicant shall indicate the extent to which the applicant wishes to continue current teaching duties and shall submit the proposal to the governing board of the school system for comment prior to submission to the selection panel Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:11:03. Fellowship amount. ~~The secretary may award a fellowship in an amount equal to the annual salary the individual would earn in the current place of employment for the award period. A fellowship awarded for less than a school year shall equal the fellow's equivalent salary. A fellowship may extend for a maximum of 12 months. A fellow may not receive an award in two consecutive years Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:11:04. Projects approved for fellowships. ~~A fellowship may be used for one of the following purposes:~~

~~(1) A sabbatical for study, research, or academic improvement, as follows:~~

~~(a) To improve the teacher's knowledge base in an area of expertise or to learn a new area of expertise;~~

~~(b) To increase skills and professional ability; or~~

~~(e) To enhance the ability of a teacher to work with special education populations, including gifted and talented children, children who are not proficient in English, children with disabilities, and children who are economically or educationally disadvantaged;~~

~~(2) Consultation with or assistance to other school districts or private school systems or development of special innovative programs;~~

~~(3) A project or partnership that involves the business community and the schools;~~

~~(4) A program that incorporates the use and the sharing of technologies to help students learn; or~~

~~(5) Expanding or replicating model programs of staff development Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

24:40:11:05. Fellowship payment. ~~The secretary shall award one Christa McAuliffe fellowship annually. The department shall make payments to the fellow after each three-month report is received Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

Cross-Reference: ~~Three-month reports, § 24:40:11:09.~~

24:40:11:06. Selection panel. ~~A nine-member statewide selection panel appointed by the secretary shall rate the applicants. The panel must be representative of school administrators, teachers, parents, and institutions of higher education Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

24:40:11:07. Selection factors. ~~The selection panel shall rate the applicants meeting basic criteria in § 24:40:11:02. The panel shall rate applications on a scale from 1 to 10, with 1 being the highest rating, using the following categories:~~

- ~~(1) Compliance with allowable fellowship activities;~~
- ~~(2) Involvement and leadership activities;~~
- ~~(3) Demonstrated commitment to teaching in the future;~~
- ~~(4) A timeline of activities during the award period;~~
- ~~(5) Comments from the governing board of the school system regarding the quality of the proposal and its educational benefit;~~
- ~~(6) The benefit to education;~~
- ~~(7) The extent to which the applicant wishes to continue current teaching duties; and~~
- ~~(8) Teacher recommendations Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: SDCL 13-14-1.

Law Implemented: SDCL 13-14-1.

24:40:11:08. Fellow agreement. ~~To receive a fellowship, a fellow must enter into an agreement with the department. The agreement shall include the fellowship amount, payment schedule, report requirements, a teaching requirement, renewal stipulations, and repayment information Repealed.~~

Source: 20 SDR 96, effective December 29, 1993.

General Authority: SDCL 13-14-1.

Law Implemented: ~~SDCL 13-14-1.~~

24:40:11:09. Three-month reports. ~~The fellow shall submit a three month report to the secretary which will initiate a scheduled payment to the fellow. The report must outline the activities of the project since the last report and must be received 14 days following the end of each three month period. No payment may be made until the report is received and reviewed. The department shall evaluate the reports to ensure that all conditions of the fellowship are being met~~ Repealed.

Source: 20 SDR 96, effective December 29, 1993.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

24:40:11:10. Repayment. ~~The fellow must repay the award to the federal government if fraud or gross noncompliance occurs~~ Repealed.

Source: 20 SDR 96, effective December 29, 1993.

General Authority: ~~SDCL 13-14-1.~~

Law Implemented: ~~SDCL 13-14-1.~~

CHAPTER 24:43:09

ADMINISTRATION

Section

- 24:43:09:01 Disaster plan and drills.
- 24:43:09:02 Student records.
- 24:43:09:03 Certificate.
- 24:43:09:04 Application of dual enrollment and minimum school day.
- 24:43:09:05 ~~Length of school term for grades one, two, and three~~ Repealed.
- 24:43:09:06 School dismissal for state tournaments.

24:43:09:05. Length of school term for grades one, two, and three. ~~The minimum length of time a student shall be in attendance during a school term in grades one, two, and three is 875 hours, exclusive of intermissions~~ Repealed.

Source: 7 SDR 120, effective July 1, 1981; transferred from § 24:03:06:16, 9 SDR 154, effective July 1, 1983; 11 SDR 96, 11 SDR 112, effective July 1, 1985; repealed, SL 1995, ch 86, § 2, effective July 1, 1995; readopted, 22 SDR 12, effective August 9, 1995; 23 SDR 31, effective September 8, 1996; 27 SDR 32, effective October 11, 2000; transferred from § 24:03:04:15, 31 SDR 178, adopted May 4, 2005, effective July, 2005.

General Authority: ~~SDCL 13-1-12.1, 13-3-47.~~

Law Implemented: ~~SDCL 13-1-12.1, 13-3-1.4, 13-26-1.~~

ARTICLE 24:54

TEACHER COMPENSATION PROGRAM

Chapter

- 24:54:01 Definition of terms, Repealed.
- 24:54:02 Teacher Compensation Assistance Oversight Board, Repealed.
- 24:54:03 Program guidelines, Repealed.
- 24:54:04 Application and award criteria, Repealed.

CHAPTER 24:54:01

DEFINITION OF TERMS

(Repealed)

Section

~~24:54:01:01 — Definitions.~~

~~**24:54:01:01. Definitions.** Terms used in this article mean:~~

- ~~(1) "Certified instructional staff," classroom teachers and school service specialists;~~
- ~~(2) "District instructional goals," a program based on specific educational goals or objectives developed by a school district;~~
- ~~(3) "Market compensation," a program based on market driven factors to recruit and retain teachers in positions that are difficult to staff;~~
- ~~(4) "Oversight board," the Teacher Compensation Assistance Oversight Board;~~
- ~~(5) "Secretary," the secretary of education;~~
- ~~(6) "State board," the South Dakota Board of Education;~~
- ~~(7) "Teacher compensation funds," funds used to directly enhance teacher salaries under the teacher compensation assistance program established pursuant to SDCL 13-3-73 Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

~~Law Implemented:~~ ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

CHAPTER 24:54:02

TEACHER COMPENSATION ASSISTANCE OVERSIGHT BOARD

(Repealed)

Section

~~24:54:02:01 — Duties.~~

~~24:54:02:02 — Appointment and terms of board members.~~

~~24:54:02:03 — Composition.~~

~~**24:54:02:01. Duties.** The Teacher Compensation Assistance Oversight Board shall review all school district applications for teacher compensation funds. The board shall meet a minimum of twice a year for the following purposes:~~

~~(1) To recommend to the South Dakota Board of Education those districts that should be approved for teacher compensation funds, as well as those districts that should not be approved for such expenditures;~~

~~(2) To monitor the progress of participating school districts and submit its findings to the South Dakota Board of Education;~~

~~The South Dakota Board of Education has final authority to approve or disapprove teacher compensation funds Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

~~Law Implemented:~~ ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

~~**24:54:02:02. Appointment and terms of board members.** The secretary of education shall appoint nine voting members and one non-voting member to the Teacher Compensation~~

~~Assistance Oversight Board. The terms of the voting members of the first Teacher Compensation Assistance Oversight Board are:~~

- ~~(1) One third appointed for one year terms;~~
- ~~(2) One third appointed for two year terms; and~~
- ~~(3) One third appointed for three year terms.~~

~~The first non voting member shall be appointed to a three year term. All subsequent terms are for three years. Members of the initial board are eligible for reappointment. Any person appointed to the initial board for a term of less than three years or any person appointed to the board to fulfill the unexpired portion of a term shall serve for the initial term or for the unexpired portion of the term and may be reappointed for no more than two additional three year terms. Except as provided in this section, no person may serve more than two three year terms on the board Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:02:03. Composition. ~~The Teacher Compensation Assistance Oversight Board shall include representatives from each of the following groups:~~

- ~~(1) Department of Education, one non voting member;~~
- ~~(2) South Dakota Legislature, two voting members;~~
- ~~(3) School administrator, one voting member;~~
- ~~(4) School business official, one voting member;~~
- ~~(5) School board member, one voting member;~~
- ~~(6) Business leader, one voting member;~~
- ~~(7) Teacher, one voting member; and~~
- ~~(8) Two voting members at large Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

CHAPTER 24:54:03
PROGRAM GUIDELINES

(Repealed)

~~Section~~

~~24:54:03:01 — Use of funds.~~

~~24:54:03:02 — District plans.~~

~~**24:54:03:01. Use of funds.** Teacher compensation funds are subject to the following conditions:~~

- ~~(1) Funds may be distributed to certified instructional staff only;~~
- ~~(2) Funds may supplement but not supplant local school district salary policy;~~
- ~~(3) Funds must include matching funds as provided in SDCL 13-3-73. The matching funds may be taken from district general funds, federal funds, or private funds;~~
- ~~(4) Funds may not be used for the purpose of providing substitute teachers;~~
- ~~(5) Funds may not be used to contract with outside vendors for professional development services;~~
- ~~(6) Funds may not be used to provide payroll benefit payments to teachers beyond the cost of social security and retirement-related compensation;~~
- ~~(7) Funds may not be used to provide base salaries for new personnel; and~~
- ~~(8) Funds may not be used to equally divide compensation to all teachers in the salary schedule Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

24:54:03:02. District plans. ~~District plans must focus on meeting district instructional goals, a plan to enhance teacher compensation through market compensation strategies, or both. Plans must be approved by the local school board before submission to the Department of Education~~ Repealed.

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

CHAPTER 24:54:04

APPLICATION AND AWARD CRITERIA

(Repealed)

Section

~~24:54:04:01 — Application requirements.~~

~~24:54:04:02 — Application timeline.~~

~~24:54:04:03 — Required documentation.~~

~~24:54:04:04 — Award criteria.~~

24:54:04:01. Application requirements. ~~School districts must apply for teacher compensation funds on forms provided by the secretary. A school district's application for teacher compensation funds must be approved by the local board of education before submission to the Department of Education~~ Repealed.

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

24:54:04:02. Application timeline. ~~The following timeline applies to applications for the teacher compensation funds:~~

~~(1) Applications are made available to school districts by November of each year;~~

~~(2) Applications are reviewed by the Teacher Compensation Assistance Oversight Board in December;~~

~~(3) Applications are approved or rejected by the South Dakota Board of Education in January;~~

~~(4) Districts are notified of the state board's decision by February 1 of each year of the funds available for the following school year Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

24:54:04:03. Required documentation. ~~A school district's application for teacher compensation funds must include the following documentation:~~

~~(1) District instructional goals, market compensation, other specific district requirements as approved by the department, or a combination of all criteria upon which funding is to be based that relate to the achievement of district plans and instructional goals;~~

~~(2) Source of matching funds; and~~

~~(3) Demonstration of an evaluation process to determine how objectives will be met and funds accounted for Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~

24:54:04:04. Award criteria. ~~In determining whether to award teacher compensation funds to a school district and the amount of the award, the oversight board and the state board shall consider the following:~~

~~(1) The district's plans and instructional goals;~~

~~(2) The district's market compensation strategies;~~

~~(3) The district's fall enrollment numbers;~~

~~(4) Matching funds provided by the district and the source of the matching funds;~~

~~(5) Whether the funds will be used in accordance with the provisions of § 24:54:03:01;~~

~~(6) Any requirements established by the department for the individual district based on special or unique needs or situations in the district that affect the district's ability to meet its plans and instructional goals or to provide compensation for its teachers.~~

~~Teacher compensation funds may be denied if the criteria specified in this section are not met or if the state board determines that additional factors are present that would impede the district in its efforts to meet its plans and instructional goals Repealed.~~

Source: 33 SDR 212, adopted May 15, 2007, effective July 1, 2007.

General Authority: ~~SDCL 13-3-73, 13-3-75.~~

Law Implemented: ~~SDCL 13-3-73, 13-3-74, 13-3-75.~~