

## **Bill Summary: 2011 Legislature**

Updated: March 23, 2011

### **Funding-related bills**

K-12 education funding ended up at a 6.6 percent cut, as opposed to the proposed 10 percent cut. Two bills – SB 152 and HB 1110 – provided the mechanism for this to happen. Here’s what they do:

- **SB 152**
  - Sets the per-student allocation at \$4,389.95, which is down from \$4,804.60 in FY11. This measure softens the cut to K-12 by about 1.4 percent.
  - Freezes property tax levies for owner-occupied and decreases them slightly for agricultural property, so ag maintains its proportionate share of local effort.
  - Resets the state’s share of state aid to 53.8 percent of local need for FY 13 and beyond. Currently, the state’s share is at 56.5 percent.
- **HB 1110**
  - Provides \$12.2 million to districts on a one-time basis. This results in an estimated \$97.01 per student – on top of the PSA.
  - Funds come from better-than-anticipated revenue projections.

### **SUMMARY:**

FY 12 Per-student allocation	\$4,389.95 (PSA)
FY 12 One-time funds	\$97.01 (per student)
TOTAL:	\$4,486.96

### **SB 111 – Capital outlay extension**

Under SB 111, school districts may continue to use their capital outlay fund to cover property and casualty insurance, energy and utilities costs, and fuel and transportation costs for another two years. This provision was put into place during the 2009 legislative session and was scheduled to sunset June 30, 2012. The new sunset date is June 30, 2014.

### **SB 133 – Sparsity proration**

This bill allows for proration of sparsity dollars among eligible districts, if the appropriation does not cover the full amount. This is expected to occur for FY12.

### **SB 200 – Fund balance cap**

This bill repeals the fund balance cap for a school district’s general fund. It passed both houses overwhelmingly. Because of an emergency clause tagged onto the bill in the House, SB 200 takes effect immediately.

### **HB 1228 – Bonding limit**

HB 1228 increases the bonding limit for the four Technical Institutes to \$105 million – up from \$80 million. This action is needed to allow the Technical Institutes to stay on target with their strategic plan

to ensure that facilities keep pace with enrollment. The bill will help the institutes remain competitive in attracting and retaining students. This bill has no negative fiscal impact on the state's budget.

### **Bills related to school operations**

#### **HB 1080 – Annual report deadline**

This bill gives school districts additional time to complete and submit their annual report. Currently, the annual report is considered past due, and subject to penalty, if not filed prior to Aug. 15. The new date will be Aug. 30.

#### **HB 1070 – School counselors/truth in advertising**

HB 1070 does not mandate that every district employ a school counselor. However, it requires that if a district does employ a school counselor – on a full-time, part-time or contract basis – that individual must be certified. HB 1070 was dubbed the “truth in advertising” bill. It takes effect July 1, 2016.

#### **SB 77 – Busing bill**

Referred to as the “busing bill,” SB 77 requires that when a receiving district runs a bus into a sending district, both school boards must annually agree upon pick-up locations for those students. If the two boards cannot reach agreement on pick-up locations, the locations would be determined by the secretary of education.

#### **HB 1133 – Homeschool exemption process**

This bill clarifies the process for homeschool exemption. Language added to 13-27-2 makes it clear that an exemption for alternative instruction (i.e., homeschool) is effective immediately upon filing with the district, and that no school board action is required to make it official. An exemption may still be revoked later, per existing statutes.

#### **HB 1208 – Background checks, bus driver training, and more**

This bill started out as a vehicle to repeal certain mandates. In the end, it accomplishes the following:

- 1) Changes SDCL 13-10-12 so that school district employees must pay for their own background checks. Current statute allows for school boards to cover the cost if they desire. That won't be an option under the new law.
- 2) Repeals the Administrative Rule that covers bus driver training (24:06:08:01) and replaces it with a statute that mandates training once every five years – with training to include first aid, bus safety, management of passengers, and behind-the-wheel training. Under this change, there is no longer a state-approved training program. Districts would seek training on their own.
- 3) Repeals SDCL 13-43-7.1, which is permissive language for districts to allow teachers to attend professional association meetings without loss of pay
- 4) Establishes in law a state policy that allows parents with students enrolled in public schools to receive any district notification or correspondence by electronic mail rather than regular mail

5) Changes the eligibility requirements for sparsity by eliminating the requirement that a district's general fund balance be 30 percent or less

#### **HB 1175 – Jump Start**

This bill establishes a Jump Start scholarship program, which would allow a student who graduates from a public high school in three years or less to receive a scholarship to attend a college, university or technical school accredited by North Central and located in South Dakota. The scholarship program will be funded with a portion of the money saved by the state in the state aid to education funding formula.

#### **SB 149 – Concussion bill**

SB 149 establishes policies related to concussions and youth athletes. It has several pieces:

- 1) It requires that youth athletes and their parents sign off on a concussion information sheet, prior to the student participating in any athletic activities sanctioned by the South Dakota High School Activities Association. This is an annual process.
- 2) It requires that each coach participating in SDHSAA-sanctioned athletic activities complete a training program – established by SDHSAA and the Department of Education – each year.
- 3) It mandates that a student athlete be removed from play if he or she shows signs of concussion, and requires that the student get an evaluation and written clearance from a licensed health care provider before returning to activities.

#### **SB 65 – Nonpublic schools and HSAA**

Under current law, nonpublic schools may participate in High School Activities Association activities if they are accredited by the state Department of Education. SB 65 allows these schools to participate if they are accredited by certain outside accrediting agencies, other than the state department. This allows the nonpublic schools to avoid duplicating their efforts to seeking accreditation.