

School District Boundary Task Force

Third Meeting
August 25, 2015

Skype Meeting

Tuesday, August 25, 2015

The third meeting of the School District Boundary Task Force was called to order by Senator Deb Peters at 2:00 p.m. CDT.

The following task force members participated: Senator Deb Peters, Senator Angie Buhl, Representative Herman Otten, Representative Karen Soli, Superintendent Jennifer Lowery, Superintendent Tom Oster and Superintendent Mike Lodmel.

Department of Education staff included: Tamara Darnall, Susan Woodmansey and Bobbi Leiferman. Department of Revenue was represented by Wendy Semmler, Doug Decker from Legislative Research Council was also present.

Review and Approval of Minutes

The first agenda item was to approve the minutes from the last meeting. Motion to approve minutes was made by Representative Soli and the motion was seconded by Representative H. Otten. The motion prevailed on a voice vote.

Draft Legislation

Doug Decker was asked by the committee Chair to review the changes requested to the draft legislation discussed at the July meeting. The proposed legislation outlines a new process for making changes to the current school boundary, see below website.

(<http://www.doe.sd.gov/secretary/SDBTF.aspx> - revised draft legislation).

The changes included the following:

- Section 2 – to provide a definition of “fair market value”.
- Section 3 - to remove any criteria to be considered by the school board when making changes to a school district boundary.
- Section 3 – to clarify term “common boundary”.
- Section 4 – to require use of a “legal description” of the land area impacted by the requested boundary change.

Following the review of the proposed changes the committee opened the discussion to public comment. Gerry Kaufman, with ASBSD, asked about page 1, lines 12-13 – requested clarification regarding the use of “or” on line 13. Could this be interpreted to allow only one district to change their school boundary?

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This prompted a discussion among the committee members if a school district would be allowed to give land area without an exchange agreement. Senator Peters stated the legislation intent was to only allow exchanges of land area.

Motion by Superintendent Oster to change section 2, line 13 and 15 to change the word "or" to "and". Motion was seconded by Superintendent Lodmel. The motion prevailed on a voice vote.

Gerry Kaufman then asked about Section 4, page 4, lines 8-13, offering a suggested amendment to further limit legal challenges when making school district land exchanges. The amendment would read as follows:

8 hearing to consider the proposed land exchange. Following the public hearing, the school board
9 of each involved school district shall ~~meet to either withdraw from the land exchange or take~~
10 ~~final action on the resolution of intent either approve or reject the land exchange. Notwithstanding~~
~~any other provision of law, a decision by a school board to reject the land exchange shall not create~~
~~an cause of legal action against the school district or school board, or constitute grounds for an~~
~~appeal pursuant to SDCL 13-46-1.~~ If the ~~resolution action~~ of each of the involved school districts
11 approves a land exchange and no petition for election is filed pursuant to 13-6-84.3, the
12 resolutions ~~approving the land exchange~~ shall be forwarded to the county commissions having
jurisdiction over the
13 involved school districts. The county commissioners shall act pursuant to 13-6-87.

Motion by Representative Soli to amend the draft legislation as proposed by Gerry Kaufman, seconded by Representative H. Otten. The motion prevailed on a voice vote. The committee asked Mr. Decker to incorporate the committee's approved changes.

Motion by Representative H. Otten that when Mr. Decker had completed the changes to ask Ms. Darnall to post and circulate to all educational groups and to request public comment. Motion was seconded by Superintendent Oster, motion prevailed on voice vote.

Ms. Darnall will present the feedback and public comments at the next meeting on November 17, 2015.

Attendance Centers Operated Outside School Boundaries

Ms. Darnall reported back to the committee the information and feedback gathered at the request of the committee regarding allowance to operate attendance centers within the boundaries of another public school district.

To review the full report please see website <http://www.doe.sd.gov/secretary/SDBTF.aspx>
Item 3 – Report on input regarding attendance centers within the boundaries of other school districts.

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For committee discussion purposes Ms. Darnall asked Doug Decker to present draft legislation to the committee member to allow a district to operate an attendance center only when the districts involved have an approved joint powers agreement.

There was committee discussion on the proposed legislation and if it should also include a "grandfather" clause that would be valid until July, 2018. This would allow the issue involving the Madison Central and Chester Area school districts time to negotiate an agreement or terminate the current arrangement.

Motion by Representative H. Otten to amend the Decker proposed legislation to include a July 2018 deadline for the Chester Area and Madison Central arrangement and to make this revised draft available for public review and comment. The motion was seconded by Senator Buhl, motion prevailed on a voice vote.

Superintendent Oster requested that when this is posted by DOE to include further explanation that it will not impact Virtual programs, alternative and special education schools.

Non-Contiguous Properties (Islands)

Representative H. Otten commented that the committee hasn't fully addressed the issue of "islands" or non-contiguous school district properties. Senator Peters agreed but also stated that it is a much larger issue than could be address by this summer task force. She stated that it is a discussion that may need to be continued next year.

Schedule Next Meeting

The next task force meeting will be held in person in Pierre or via Skype on November 17, 2015.

A motion to adjourn was made by Representative Soli, seconded by Representative H Otten. Meeting was adjourned at 3.29 p.m.