

2010 Legislative Session Bill Summary

Bills related to curriculum and operation

Teaching standards and evaluation

SB 24 requires that public schools evaluate the performance of each certified teacher in years one through three not less than annually, and each teacher in the fourth contract year or beyond, not less than every other year. It offers general guidelines for evaluation and establishes a work group to develop the standards and a model evaluation tool.

Opportunity Scholarship bills

HB 1190 revises eligibility requirements for the Opportunity Scholarship. It brings the curricular requirements of the scholarship in line with graduation requirements passed by the South Dakota Board of Education in November 2009. Under the new law, students will be able to take world language **or** approved career and technical education courses to be eligible for the scholarship.

Under HB 1160, students who do not meet the curricular requirements for the South Dakota Opportunity Scholarship would be eligible if they earn a composite score of 28 or higher on the ACT. Students must also meet benchmark scores in the ACT's four subject areas. Students who take the SAT must earn a score of 1250 or higher. This law does not take effect until July 1, 2013.

Early reinstatement of expelled students

Under HB 1129, a school board may allow an expelled student to return to school before the expulsion period ends. This new law gives school boards flexibility to impose conditions on the early reinstatement. If the student fails to meet these conditions, the superintendent may revoke the early reinstatement. In such cases, the expulsion continues until the end of the original expulsion period.

Controlled substance violations and extracurricular activities

SB 156 ensures that students ages 18-21 involved in court proceedings related to a controlled substance violation would not be eligible to participate in High School Activities Association activities. It sets up a communication network among the United Judicial System, school districts and HSAA to share information about these students.

Compulsory attendance

A bill to change the compulsory attendance age back to 16 failed in House Education. South Dakota's compulsory attendance age remains at 18.

Make-up time for snow days, emergencies

HB 1023 clarifies existing law that governs make-up time for school closing due to weather, disease or emergency. Basically, the law says that once a district meets the minimum number of hours required by state law, no make-up time is required.

Less paperwork

With the passage of HB 1024, districts are no longer required to keep a hard copy of each teacher's certificate on file. Districts remain responsible for verifying the validity of a teacher's certificate, but now they can do it online via the department's Teacher 411 database. No paperwork required!

Self-administration of medication

SB 83 allows students with asthma or anaphylaxis to possess and self-administer prescription medication while on school property or at a school-related event. The new law outlines certain conditions that must be in place, including but not limited to, written permission from the student's parent and a statement from his or her physician.

Deaf Bill of Rights

NOTE: The Governor vetoed this bill, and the Legislature sustained his veto.

SB 121 directs the state Department of Education to establish a program and policy that promote the education of children who are deaf or hard-of-hearing to be disseminated to all schools. While the bill mentions the DOE, its intent is to ensure that local school districts provide educational services that specifically address the needs and communication modes of these students.

Bills related to funding

K-12 education funding

SB 22 holds the per-student allocation for general education steady at \$4,804.60 for FY 11. It holds the payments for special education disability levels steady as well.

SB 67 sets the maximum tax levies for a school district's general fund. The maximum levy on agricultural property is two dollars and fifty-five and four tenths cents per thousand dollars of taxable valuation. For an owner-occupied single-family dwelling, the max is three dollars and ninety-six and five tenths.

SB 196 is the general budget bill. In this bill, legislators approved a \$300,000 cut to the DDN portion of the state's Technology in Schools budget and a \$500,000 cut to Education Service Agencies – eliminating state funding of ESAs. This bill also reduced the amount of general fund increase to the state's technical institutes by 50 percent.

Fund balance cap

HB 1108 allows for a fund balance cap of 40 percent through FY 14. For FY 15 and beyond, the maximum fund balance allowed is 25 percent. The bill also prohibits a district from growing its fund balance between FY 11 and FY 15.

Spending of SPED dollars

Two bills dealing with expending special education dollars were passed by the Legislature. HB 1020 allows districts to transfer local SPED funds in an amount not greater than 50 of its annual increase in federal IDEA dollars to any other fund. The funds can be used to carry out any activities allowable under the Elementary and Secondary Education Act.

HB 1021 allows districts to receipt any federal SPED dollars to either the Special Education Fund or the Capital Outlay Fund for any SPED-related equipment purchase approved by the Department of Education.

Growing enrollment payment

HB 1248 eliminates the one-time payment to school districts with increasing enrollment by changing the fall enrollment count to the number of students enrolled in the current school year. This means growing districts won't have to wait a year to get paid for additional students. For those districts not experiencing growing enrollment, the two-year averaging provision remains.

Consolidation incentives

HB 1181 eliminates consolidation incentives for any districts that would consolidate after July 1, 2010. Those districts already receiving, or due to receive, incentives under current law will continue to receive them.

Students transferring between districts

SB 25 repeals two statutes (SDCL 13-28-49 and 13-13-75) pertaining to tuition payments for students who transfer between a district that receives state aid and a district that does not receive state aid. This will ensure that districts are not generating funds twice for these students.

Small school adjustment and residential treatment facilities

Under SB 183, the determination of small school adjustment for a school district may not include any students residing in a residential treatment facility when the education program is operated by the school district.

Bills related to public meetings and contracts

Public meetings bill

SB 104 has to do with public meetings and disclosure of information related to those meetings. Specifically, it:

--Requires that any printed material related to an agenda item that is distributed to all governing body members prior to the meeting must be posted on the governing body's Web site or made available at its business office 24 hours prior to the meeting or at the time it is distributed, whichever is later.

--Allows for public meetings to be conducted by teleconference. The entity conducting the official meeting must provide one or more locations where the public may participate in the teleconference meeting.

--Requires that unapproved, draft minutes must be available for inspection by the public within 10 business days after the meeting. Or an audio or video recording of the meeting must be available to the public online within five business days.

A violation of any of the above is considered a Class 2 misdemeanor. In addition, the new law requires that any reports or findings of committees appointed by the governing body must be reported in an open meeting.

Contracts for goods and services

HB1046 makes some changes to the process for contracts and the procurement of goods and services for governmental agencies. Please read the bill in its entirety at <http://legis.state.sd.us/sessions/2010/Bills/HB1046ENR.pdf>

Miscellaneous bills

Charter schools

SB 63 allows for the establishment of a pilot charter school if the Department of Education's Race to the Top application receives funding. Originally, this bill allowed a local school board to grant a charter school application within its district. While the bill was amended to focus solely on the pilot charter school, expect the conversation regarding charter schools to continue.

Military compact

SB 88 makes South Dakota part of an interstate compact related to the education of military children. The bill facilitates the transition process for children of military families as they move from one state – and corresponding school system – to the next.

Joint Resolutions

The Legislature passed two Joint Resolutions during session. These resolutions have no statutory authority or impact.

HCR 1009

This resolution calls for a balanced approach for instruction relating to global climatic change in the state's public schools.

HCR 1013

This resolution supports comprehensive anti-bullying programs and policies in schools, and the creation of an atmosphere of zero tolerance for bullying behavior.

All bills are available online for viewing at the Legislative Research Council's Web site. Go to: <http://legis.state.sd.us/sessions/2010/index.aspx>