

2022 Legislature: Bill Summary

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NOTE: This list of education-related bills is not all inclusive. To access all bills from the 2022 session, visit the South Dakota Legislature's website at sdlegislature.gov.

Funding Bills

SB 59 reflects the governor's proposed 6 percent increase in state aid funding for general education. The bill contains the annual tax levy adjustments. It also includes adjusted disability level amounts for special education funding.

General education formula:

- Target teacher salary set at \$55,756.31 (up from \$52,600.29)
- Overhead rate set at 38.78 percent (up from 37.30 percent)

General education levies:

- Maximum levy of \$6.308/thousand dollars of taxable valuation (subject to limitations noted below)
- Maximum agriculture levy of \$1.362/thousand dollars of taxable valuation
- Maximum owner-occupied levy of \$3.048/thousand dollars of taxable valuation

Special education levy:

- Maximum levy of no more than \$1.599/thousand dollars of taxable valuation

Special education funding by disability level:

- Level 1 disability – \$6,532 (up from \$6,299.65), including 10.72% of districts' ADM
- Level 2 disability – \$15,411 (up from \$15,006.72)
- Level 3 disability – \$19,682 (up from \$19,654.66)
- Level 4 disability – \$15,981 (up from \$15,774.72)
- Level 5 disability – \$34,293 (up from \$33,124.35)
- Level 6 disability – \$9,066 (up from \$8,459.26)

Adjustments to the FY2022 budget (one-time) were made in **SB 60**. The G-Bill, which appropriates on-going funding for the Department of Education, was passed in **HB 1340**.

SB 54 – This bill provides a \$30 million appropriation to Dakota State University to assist with expansion of its cyber program. A portion of the funding would go towards cyber-related programming for high school students, in an effort to build skills and a workforce pipeline.

HB 1047 – This bill provides funding to the Department of Education for a major renovation of the Cultural Heritage Center. The renovation will require that the state history museum be closed

temporarily during parts of the process. DOE will attempt to minimize the time that the museum is closed, but it may impact school group visits. Please be sure to check ahead if you have a school group planning to visit.

Education Bills

SB 5 – SDCL 34-20G-18 states that Chapter [34-20G](#) (Medical Cannabis) does not authorize individuals to engage in, or prevent the imposition of penalties for, certain conduct related to medical cannabis. The bill adds definitions for a “safety sensitive job” and “under the influence of cannabis”. Also, under SB 5, no employer is prohibited from establishing a drug-free workplace policy that may include a drug testing program.

SB 6 – Under SB 6, a medical cannabis cardholder may not be refused enrollment by a school, or otherwise be penalized by a school for their status as a cardholder, unless failing to do so would violate federal law or cause the school to lose a federal monetary benefit. The bill contains similar provisions for landlords.

SB 15 – This bill revises provisions of Chapter [34-20G](#) (Medical Cannabis) to ensure that certain professionals licensed by the state, including educators, are not subject to discipline or denial of the rights/privileges of the license for lawfully engaging in activities relating to medical cannabis or providing services to someone who engages in such activities.

SB 46 – SB 46 is the “Fairness in Women’s Sports” bill. It requires that any interscholastic, intramural, athletic club or team sport, or athletic event sponsored by an accredited school or activities association must be designated as: female, male, or coed/mixed. Only female students, based on their biological sex, may participate in any activity designated as being for females. The bill also lays out courses of legal action for violations related to the act.

SB 71 – This bill increases the tax credit limit for the Partners in Education Tax Credit program – moving the limit from \$2 million to \$3.5 million beginning in FY 2023. The program provides scholarships for eligible, low-income students (K-12) to attend non-public schools that participate in the program. The bill also allows for students in foster care to access scholarships.

SB 95 – SB 95 requires the Teacher Compensation Review Board to meet every two years, instead of every three years. The board was established in 2016 with the passage of the “Blue Ribbon” legislation and is charged with reviewing teacher compensation in South Dakota. Reports and meetings of the board can be found on the [state boards & commissions site](#).

SB 154 – This bill clarifies certain criteria related to the South Dakota Freedom Scholarship. It changes the GPA requirement for the scholarship from 2.5 to 2.0, which aligns with what universities require for graduation. Finally, it eliminates the need to have funds flow to a university foundation in order to provide scholarships; funds can go directly to the educational institution for distribution to students.

SB 167 – SB 167 clarifies the process by which the Secretary of Education may refuse to issue or renew, or revoke or suspend, an individual’s educator certificate. It also further clarifies the definition of “moral

turpitude” by referencing SDCL [22-1-2](#). Moral turpitude is one of reasons outlined in SDCL [13-42-9](#) for which action can be taken on a certificate.

[HB 1080](#) – When the “Blue Ribbon” legislation addressing teacher salaries was passed in 2016, it included a requirement that – for FY 2019, 2020, and 2021 – a school district’s average teacher compensation must be at or above its level in FY 2017. HB 1080 extends this accountability through FY 2024, including the penalty for not meeting the accountability.

[HB 1119](#) – This bill revises the state aid formula to provide funding for alternative instruction students participating in sanctioned interscholastic activities. Funding is equal to .10 multiplied by the number of students participating in the prior school year.

[HB 1185](#) – This bill adds to the list of items that a Native American student is permitted to wear during a school honoring or graduation ceremony. Currently, the list includes an eagle feather or eagle plum. The bill allows for appropriate beaded graduation caps and gives school administrators the authority to determine what is “appropriate.”

[HB 1302](#) – HB 1302 addresses a disparity in how general education and special education students access placement in residential treatment centers. It ensures that, in the case of parental placement, the educational cost of the program will be covered by the Department of Education through the state aid allocation, regardless of whether the student is in the general or special education population. (Note: All placements must be approved by the State Review Team.)

[HB 1308](#) – This bill provides for the payment of signing bonuses for any school district staff, not just teachers.