

2014 ASBSD

Legislative

Summary



Executive Director's Message



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ASBSD EXECUTIVE DIRECTOR



The 89th Legislative Session has come to a close. It was a busy session; an intense session at times. Some issues we won, some we lost, but overall very productive for ASBSD.

Our legislative team tracked over 108 bills this session and testified on roughly half of them. Education is always a big topic at the Capitol.

Even though we did not reach our goal of restoring the per-student allocation to \$4,805, the end result of a 3.35% increase was significant. It's the largest increase to the PSA since 2008.

The Legislative Action Network should be proud of their work. Because of your efforts, legislators appropriated an additional \$2.2 million on top of the Governor's three percent increase. That's big.

Your grassroots lobbying efforts helped us make the case for our schools' needs and helped legislators understand the growing crisis of attracting and retaining teachers.

Thank you so much for your dedication.

It's important to know Appropriators and Leadership in both houses worked hard to find the extra funding and they were successful. We believe legislators did what they could to make funding education a priority, like many said it was throughout session.

An important part of continuing to develop relationships with legislators is to thank them for their work. We need to continue to inform our elected officials about the challenges schools face and advocate our positions, but when they help us we **MUST** thank them.

I'm grateful to Governor Dennis Daugaard and the legislators for helping us this session. It's important we show our appreciation.

A few new laws will change some of your local school policies and on the following pages you will find a brief summary of the policy effects on certain passed legislation. In addition, Director of Policy and Legal Services Gerry Kaufman and I are working on a summary of the statutes that could impact some of the policies you have.

Our report, which will be sent near the end of April, will give you recommendations for changes you will need to make in your policies because of changes in statutes. I anticipate about nine bills will have some impact on school policies and we will provide recommended language for you to consider.

I hope this summary of the 89th Legislative Session is helpful.

Funding Summary

Schools receive funding above three percent

On the final day of the final full week of the 89th legislative session, legislators responded with much needed additional dollars for schools.

On unanimous votes, the Senate and House passed a bill to provide an additional \$2.2 million in ongoing state aid for districts. **Senate Bill 188** provides a 3.35 percent increase to the per-student allocation.

“We’re grateful for the commitment to schools shown by the legislature through this increase,” ASBSD Executive Director Wade Pogany said. “We know not all our district’s funding problems are solved yet, but the legislature and governor have set a promising direction.”

Prior to the passage of SB 188, both the House and Senate passed **Senate Bill 37**, which provided Gov. Dennis Daugaard’s proposed three percent increase to the PSA, as well as establishing the property tax levies for the school district general fund for next school year. SB 37 would have set the PSA at \$4,765 for the 2014-15 school year. ASBSD supported both bills.

However, SB 188 supplants SB 37 and the 3.35 percent increase will set the PSA at approximately \$4,781 for the 2014-15 school year.

PER-STUDENT ALLOCATION (COMPARING 3% TO 3.35% INCREASE)			
	2013-14	2014-15 (3%)	2014-15 (3.35%)
PSA	\$4,626	\$4,765 (\$139 increase)	\$4,781 (\$155 increase)

The 3.35 percent increase is the first such increase above three percent since 2008.

School funding was frozen in 2010-11 and cut by 8.6 percent the following year. Schools have received increases above two percent over the last three years.

PSA INCREASE LAST FIVE YEARS		
YEAR	BASE PSA	CHANGE
2010-11	\$4,805	\$0 (0%)
2011-12	\$4,390	-\$415 (-8.6%)
2012-13	\$4,491	\$101 (2.3%)
2013-14	\$4,626	\$135 (3%)
2014-15	\$4,781	\$155 (3.35%)

Funding Summary

Added dollars aimed to improve teacher pay

Along with SB 188 comes the condition that the additional \$2.2 million dollars be used to increase teacher pay.

Sen. Bill Van Gerpen, who introduced the 3.35 percent amendment, said there will be a “letter of intent” that goes along with the additional dollars requesting they be put towards teacher pay increases. *At the time of publication, the letter of intent has not been released by the legislature.*

The additional \$2.2 million will be distributed via an extra \$16.72 per student to school districts, which means, at a minimum, districts will be asked to apply the total amount received from the additional dollars to teacher salaries on an ongoing basis.

ADDED DOLLARS DISTRIBUTION		
District Enrollment	Calculation	Total added dollars
200 Students	200 x \$16.72	\$3,344
650 Students	650 x \$16.72	\$10,868
1,000 Students	1,000 x \$16.72	\$16,720

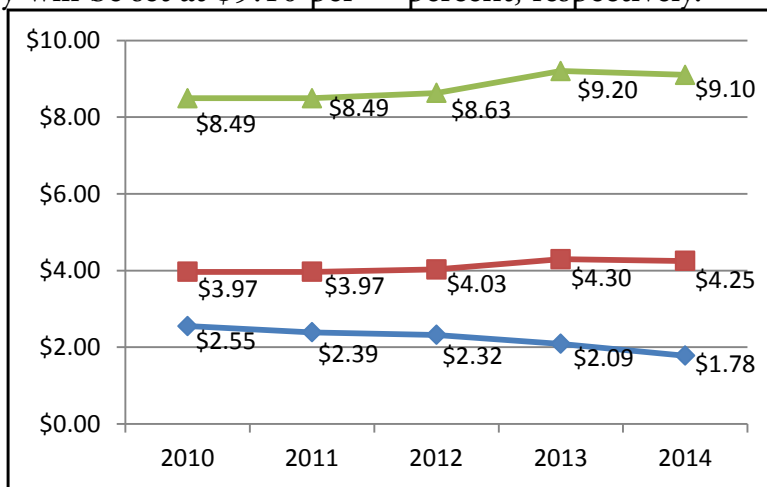
Tax levies adjusted

SB 37 also set the general fund tax levies for school districts.

The commercial levy will be set at \$9.10 per thousand dollars of valuation, down from \$9.20, the agricultural levy will be set at \$1.78 per thousand dollars of valuation, a decrease of 31 cents, and the owner occupied levy will be set at \$4.25 per thousand dollars of valuation, a five cent decrease.

The new levy levels accompany the bill to support the Cutler-Gabri-

el share of funding between the state and local effort, which is approximately 54 percent and 46 percent, respectively.



Green - Commercial, Red - Owner Occupied and Blue - Agricultural.

Senate Bill 38 sets the property tax levy for the special education fund at \$1.478 per thousand dollars of valuation for next year. The change to the special education levy is approximately an eight cent decrease (\$1.552/thousand dollars of valuation) from this year. ASBSD took

a monitor position the bill.

Funding Summary

Adjustments made to Building S.D. Fund

The Building South Dakota Fund was established by last year's **Senate Bill 235** and provided dollars for state aid for ESL students, CTE programs and education programs preparing students for the workforce, in that order.

This year, Gov. Daugaard proposed two bills that were intricately tied to providing schools with an increase to the PSA through prepayment of the Building S.D. fund's high interest bonds.

"We're looking for a win-win," S.D. Bureau of Finance and Management Commissioner Jason Dilges said. "(The bills) get us a significant way down the road."

Senate Bill 157 provides an appropriation of \$30 million spread over the next three years to the Building S.D. fund and ensures that following the three year period there will be no cap on potential aid for the fund.

Senate Bill 158 revises certain funding provisions of the fund following the expiration of the three year moratorium established in SB 157.

SB 158 deposits dollars to the Building S.D. fund if the state's reserves are at or above 10 percent of the state's general fund budget, making it reliant on excess funds drawn from unobligated dollars.

Senator Corey Brown said the bill is a "prefund" for the Building S.D. fund.

ASBSD supported both SB 157 and 158.

Executive Director Wade Pogany testified the bills were much needed for schools to receive an increase above the minimum required by state law (1.6 percent), which he said is "necessary to sustain our school districts."

Study committee's bills fall during session

Three key bills that were introduced by the legislative interim committee studying school funding did not make it through legislative session.

House Bill 1004 would have set the per-student allocation for 2014-15 at \$4,805, which was the PSA's pre-cut highpoint in 2011. The bill was defeated on a 5-4 vote by the House Appropriations committee. ASBSD supported the bill.

House Bill 1003 would have set the annual index factor increase for education funding at a minimum of two percent. Proponents of the bill said it provided school districts with funding stability. The bill was defeated on a 5-4 vote by the House Appropriations committee. ASBSD supported the bill.

The legislature has provided a two percent increase in funding to schools in eight of the last 10 fiscal years, with only the freeze and 8.6 percent cut being the outliers.

House Bill 1001, which called for a gradual reduction over a four-year period of the percentage of capital outlay funds that school districts could utilize as part of the flexibility provision prescribed by law, was defeated by the House Education committee on a 9-5 vote. ASBSD opposed the bill.

During the 2013 legislative session, our legislators passed **Senate Bill 194**, which extended the capital outlay flexibility provision until 2018 without including any stipulations in percentage reduction.

Common Core Academic Standards

Common Core specific and related bills totaled 10 during legislative session with only two passing both chambers and being signed by the Governor. ASBSD member districts adopted resolution A4 Common Core Academic Standards, which states the Association's support of the standards, in November.

Common Core bills that passed

Senate Bill 63

ASBSD Position: Monitor

SB 63 protects the privacy of student records by prohibiting the collection of student information including, political affiliation, religious practices and family gun ownership among other things and requires increased security measures to protect information.

SB 63 also allows for aggregate data to be released in order for districts to apply for impact aid and the other makes a minor word change. The bill faced no opposing votes during its path through the legislature.

During its review in the House, vocal Common Core critic Rep. Jim Bolin called the bill "another step in this process," of compromise between proponents and opponents of the standards.

Policy Update

SB 63's collection of information is not necessary for the calculation of funding for public education, the determination of student academic progress, state and federal reporting requirements, or other duties prescribed to a school district, the department, or the state board of education by law, is not authorized.

The bill puts into statute a law almost identical to the Protection of Pupil Rights Amendment, which is a federal law. The new statute is being added to SDCL Ch. 13-3.

Beginning on July 1, 2014, state law prohibits any elementary school or secondary school student being required to submit to a survey, analysis, or evaluation that reveals information concerning: (1) political affiliations or beliefs of the student or the student's parent, (2) mental or psychological problems or aspects of the student or the student's family, (3) sex behavior or attitudes of the student or the student's family, (4) illegal, anti-social, self-incriminating, or demeaning behavior, (5) critical appraisals of other individuals with whom respondents have close family relationships, (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers, (7) religious practices, affiliations, or beliefs of the student or student's parent, (8) personal or family gun ownership; or (9) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. The term, parent, includes a legal guardian or other person standing in loco parentis.

The list of information in (1) to (9), inclusive, is not an exclusive list and the Secretary of Education may add to the list of information that is of a similar nature.

Senate Bill 64

ASBSD Position: Monitor

SB 64 requires a moratorium period of no less than six months to allow for public comment before the adoption of new content standards drafted by a multistate consortium, faced very little criticism in the legislature.

The prohibition lasts until July 1, 2016, but does not impact current standards.

Sen. Ernie Otten, the bill's sponsor, said the bill would allow for education stakeholders to have "a frank conversation about what we want for kids" when considering additional education standards.

Common Core Academic Standards

Common Core bills that fell

House Bill 1243 and Senate Bill 129

ASBSD Position: Oppose

Each bill repealed Common Core. HB 1243 was killed on an 8-7 vote by the House Education committee and SB 129 was killed on a 5-2 vote by the Senate Education committee.

“School boards are in support of Common Core,” ASBSD Executive Director Wade Pogany testified during a committee hearing. “We debated this (issue) throughout the summer. At the... (ASBSD) Delegate Assembly 100 percent of our members supported Common Core.”

Secretary of Education Melody Schopp testified that the standards were thoroughly vetted by educators in the state prior to their adoption in 2010 and the evaluation continues as the standards and assessment evolve.

Secretary Schopp also said a change in standards would abruptly halt a process four-years in the making leaving “schools in limbo” and would prohibit “significant cost saving for the state of South Dakota.”

Assessment of the Common Core is \$20 cheaper than the assessment previously used by the state and a change would cost the state “millions,” said Secretary Schopp.

Senate Bill 62

ASBSD Position: Monitor

The bill called for the creation of the South Dakota Common Core Standards Evaluation Council.

Although receiving 18 yeas votes to 16 nays, the bill required a 2/3 vote to pass the Senate because it entailed an appropriation amount.

House Bill 1075

ASBSD Position: Monitor

HB 1075 required any multistate standards be reviewed during, at least, four public hearings, which must be conducted at least 60-days apart with two-weeks’ notice provided by the Board of Education on the host city’s school district website and the district’s legal newspaper.

Rep. Jim Bolin opted to table the bill in lieu of the legislature’s passage of SB 64.

House Bill 1187

ASBSD Position: Oppose

HB 1187 provided for the exemption of certain students from the requirement to take certain academic assessment tests.

House Education committee members initially voted 8-7 to defeat the bill, but it was successfully smoked out of committee on the House floor.

However, HB 1187 failed to receive enough votes to be debated on the floor and subsequently died.

House Bill 1214

ASBSD Position: Monitor

HB 1214 required DOE to provide for an independent study and analysis of the financial, fiscal, and economic impacts of implementation of Common Core.

The bill was killed on an 8-5 vote by the House Education committee.

House Bill 1237

ASBSD Position: Monitor

HB 1237 called for a comprehensive evaluation of Common Core. It was tabled on an 11-2 vote by the House Education committee.

Senate Bill 155

ASBSD Position: Monitor

SB 155 required DOE to report to the legislative education standing committees prior to implementing a curriculum change. The bill was defeated on a 4-2 vote by the Senate Education committee.

Legislative Summary

One resolution passed, another defeated

House Concurrent Resolution 1001

ASBSD Position: Support

HCR 1001 encourages districts to build on their individual strengths by working together with other districts to provide a rich educational opportunity for all students. Members of the House voted 68-0 to adopt and Senators voted 32-2 to adopt.

The resolution was introduced by the legislative interim committee charged with studying school funding.

House Concurrent Resolution 1002

ASBSD Position: Support

HCR 1002 acknowledged a teacher shortage and the difficulties districts in South Dakota face in attracting and retaining qualified teachers.

The resolution was introduced by the legislative interim committee charged with studying school funding.

Members of the House passed the bill on a 49-18 vote, but Senators defeated it on a 19-15 vote. There was no testimony presented in opposition of the resolution by the Senators who voted against the bill.

In testimony in the House, the committee's Chairwoman Rep. Jacqueline Sly said the scope of the study did not call for the introduction of a bill by the committee, but testimony from school officials during the study supported a resolution.

School start day decisions examined

House Bill 1164

ASBSD Position: Monitor

HB 1164 lowers the number of signatures needed to refer a school board's start day decision to five percent of the total number of registered voters voting in the previous general election ONLY in school districts with 5,000 or more registered voters. School districts with fewer than 5,000 registered voters would not be affected by the change in start day petition provisions.

The bill originally put all school districts under the five percent provision, but was killed by Senators. The latest version passed the Senate on a 19-16 vote following a request to be reconsidered. It passed the House on a 57-12 vote.

Sen. Deb Soholt said she supported the bill because it would "help those in the larger communities" in South Dakota have more say in their district's start date.

House Bill 1093

ASBSD Position: Oppose

HB 1093 prohibited public schools from starting a school term before the last Monday in August. Of the 151 public school districts, 126 started before the last Monday in August at the beginning of the 2013-14 school year.

State statute allows voters in a school district to refer their district's school year start date to vote through a petition process.

"You do have the appropriate mechanisms in statute," ASBSD Lobbyist Dick Tieszen said, adding that school boards make calendar decisions based on what's best for their students.

"South Dakota is a local control state," Rep. Jacqueline Sly said during speech on the House floor opposing the bill. "Leave the calendar up to the school district."

The motion to pass the bill died on a 29-40 vote in the House before it reached the Senate.

Legislative Summary

Two other revenue bills defeated

Two bills introduced, and defeated, this year attempted to change the distribution method of other revenue for school districts. While the bills failed, the discussion is likely to continue going forward.

Member districts of the Association voted unanimously at Delegate Assembly to keep other revenue in its current state prescribed by statute, which distributes it exclusively at the local level.

House Bill 1204

ASBSD Position: Oppose

HB 1204 called for the equalization in the distribution of fine money for school districts. The bill, sponsored by Rep. Dan Dryden, would have included the redistributed fine dollars in a district's local effort calculation for state aid.

Rep. Dryden said the change in local effort calculation would have required an \$11.6 million deposit from the state to equalize their share in state aid based on the Cutler-Gabriel provision, which establishes a 54-46 percent split in state and local effort, respectively, for state aid.

Rep. Dryden said there was no guarantee the state would chip in the \$11.6 million that would have been required to meet the Cutler-Gabriel provision or that the per-student allocation would increase.

The bill died on the House floor on a 32-28 vote.

House Bill 1205

ASBSD Position: Oppose

HB 1205 called for the creation of the school district tax revenue fund to equalize dollars from revenue collected by school districts from the bank franchise tax, wind energy tax, and gross receipts from telephone companies and electric co-ops.

HB 1205 stated that any dollars collected from the taxes (listed above) that exceed the amount received by districts in 2014 would be deposited into the school district tax revenue fund. That stipulation would remain in effect until 2025 after that all revenue collected from the four taxes would be deposited into the fund.

It was defeated on a 9-5 vote by the House Taxation committee.

Legislative Summary

Passed and signed: Other key K-12 bills

House Bill 1030

ASBSD Position: Monitor

HB 1030 makes evaluation data compiled by a school district of a teacher, principal or other school employee confidential. The bill addresses concerns regarding confidentiality in light of the new teacher and principal effectiveness systems being implemented across the state.

Policy Update

HB 1030 added a new statute in SDCL Ch. 13-42 to help ensure confidentiality of school employee evaluations. It essentially says that any employee evaluation record or document, in written or electronic form is confidential personnel information, is not subject to public disclosure, and cannot be inspected or copied by the public (including the media). This confidentiality applies not only to the final evaluation instrument or document, but also applies to any record of note made in connection with the evaluation (such as written reprimands, etc.).

House Bill 1031

ASBSD Position: Monitor

HB 1031 revises provisions related to the definition of and the diagnosing of autism and the definition of a level five disability for state aid purposes. The bill also includes autism spectrum disorder as a multiple disability for level five funding under the state aid to special education formula.

House Bill 1032

ASBSD Position: Monitor

HB 1032 revises provisions regarding children placed in residential treatment centers or intensive residential treatment centers.

The bill clarifies the payment process when a child is placed in a residential treatment center or intensive residential treatment center and indicates that tuition is the responsibility of the child's home district.

House Bill 1033

ASBSD Position: Monitor

HB 1033 requires a sibling of an open enrollment applicant be currently enrolled in the district in order for the open enrollment application to receive preference when reviewed.

Policy Update

HB 1033 amended an Open Enrollment statute, SDCL 13-28-43, to ensure that students from the same family all be given the opportunity to attend school in the same nonresident school district as siblings.

The current law requires schools receiving open enrollment applications to review the application "in the order received." SDCL 13-28-44 allows a school to deny an open enrollment based on the capacity of a program, class, grade level, and school building operated by the board and the pupil/teacher ratio.

The amendment constitutes an exception to the "in the order received" found in SDCL 13-28-43 by adding the phrase "unless the applicant is a sibling of a student accepted into and currently enrolled in the district pursuant to §§ 13-28-40 to 13-28-47, inclusive."

In other words, if a school has admitted an open enrollment student, and an application for open enrollment is received by that school to enroll a sibling of the student currently enrolled in the nonresident school, which application goes to the top of the list of applications to be considered.

Legislative Summary

Passed and signed: Other key K-12 bills

House Bill 1071

ASBSD Position: Monitor

HB 1071 adjusts the minor boundary change procedure for a school district; requiring petitions to include potential value of the land when full developed, if the land would affect more than two percent of assessed valuation and ownership interests of the land.

House Bill 1104

ASBSD Position: Monitor

HB 1104 is related to local governing bodies requiring the payment for certain goods and services by electronic transaction.

Policy Update

HB 1104 amended SDCL 4-3-27, which authorizes school officials and employees to use a credit card or electronic payment for the purchase of materials, supplies, equipment, or other authorized transactions for the benefit of the school district.

The amendment repealed the provision which prohibited a school board from requiring vendors of goods and services to accept payment by electronic transaction. School boards may not require in school contracts for goods and services that the vendor accept payment by electronic means.

SDCL 4-3-7 requires a school board, before authorizing the use of a credit card or electronic payment, to have a policy which addresses the use and accountability of credit card purchases or electronic transactions.

House Bill 1126

ASBSD Position: Support

HB 1126 allows an appointed school board member to countersign school board payments. Rep. Kyle Schoenfish, the bill's sponsor, said it would strengthen "internal control" in a school district.

Policy Update

As of July 1, 2014, school boards shall have the right to designate which school board member or members, in addition to the school board president, have the authority to countersign checks drawn by the business manager.

Currently, checks are to be signed by the school board president, or in the president's absence, the vice-president. In the future, the school board must specifically designate at the July reorganization meeting which board member or members have the authority to countersign checks in the absence of the school board president.

Legislative Summary

Passed and signed: Other key K-12 bills

House Bill 1150

ASBSD Position: Support

HB 1150 requires the reciting of the Pledge of Allegiance at the start of each school day in every public school classroom, officially went undefeated with Gov. Dennis Daugaard signing the bill into law recently. The bill had zero dissenting votes in its run through the committee and floor votes of the House and Senate.

Member districts voted unanimously at the ASBSD Delegate Assembly last fall, to support a resolution that called for districts to have policies in place for all grade levels to recite the Pledge of Allegiance.

“The message (school board members) wanted me to send to you: in our world there are certain things that are more important than local control and this (bill) is one of them,” ASBSD Executive Director Wade Pogany testified.

Policy Update

Beginning with the 2014-15 school year (or July 1, 2014, if a school district has a summer school program after June 30th), each school district must provide all students the opportunity to salute the United States and the flag each day by reciting the pledge of allegiance to the flag.

The amendment to SDCL 13-24-17.2 also states a student may choose not to participate, and a student who does not participate in the salute shall “maintain a respectful silence” during the pledge of allegiance.

House Bill 1167

ASBSD Position: Monitor

HB 1167 allows schools to keep and administer epinephrine auto-injectors in certain cases.

Policy Update

HB 1167 is a new law. The prescription issued pursuant to this new law is not subject to the statutory requirements that the prescription be for a specific patient.

The new law requires schools which will acquire and maintain a stock of epinephrine auto-injectors to adopt a policy for the use and storage of epinephrine auto-injectors and to notify parents or guardians of each student about the policy.

Any school nurse or other designated school personnel, upon authorization by the governing school body, may administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student on file with the school, or administer an epinephrine auto-injector to any student during school hours if the school nurse or designated school personnel believe that the student is experiencing anaphylaxis in accordance with a standing protocol from an authorized health care provider, regardless of whether a student has a prescription for an epinephrine auto-injector or has been diagnosed with an allergy.

The law also requires each designated school personnel to be trained by a licensed health care professional before administering an epinephrine auto-injector from the school’s inventory.

Designated school personnel must be trained to recognize the symptoms of a severe allergy or anaphylactic reaction, know the procedure for the administration of an epinephrine auto-injector, know the procedure for storage of an epinephrine auto-injector and know the emergency care and aftercare for a student who has an allergic or anaphylactic reaction.

Lastly, the new law states that no school district, administrator, school board, school nurse, or designated school personnel that possess or make available epinephrine auto-injectors pursuant to the new law may be held liable for any injury or related damage that results from the administration of, self-administration of, or failure to administer an epinephrine auto-injector that may constitute ordinary negligence.

However, the immunity does not apply to an act or omission constituting gross, willful, or wanton negligence.

Legislative Summary

Passed and signed: Other key K-12 bills

House Bill 1181

ASBSD Position: Support

HB 1181 allows for the requirement of a certification of health from an employee of a school at the request of the district's Superintendent, was signed. The bill returned the certificate of health clause that was struck during a statute review in 2012.

The certificate of health would verify a physical or mental condition, or lack thereof, that could hinder a school employee from performing their work tasks.

House Bill 1249

ASBSD Position: Support

HB 1249 revises the number of school term hours for some elementary students. The bill includes the fourth and fifth grades in the 875-hours of classroom time already required for kindergarten through third grades. Previously, fourth and fifth graders were required to complete 962.5 hours, which is the number sixth through 12th graders are required to complete each year.

HB 1249 also pulls the minimum required hours that are currently outlined in administrative rule for grades 1-3 into statute; placing all hour requirements under SDCL 13-26-1.

Senate Bill 35

ASBSD Position: Support

SB 35 revises the conditions for which certain elections may be delayed for an emergency situation.

Twenty-four hours before the polls open, the person in charge of the election may call a special emergency meeting of the local governing board to postpone any election, except a primary or general election, for one week if the weather conditions put into question the opening of a polling place. The polling place shall then remain open for the same number of hours as it would normally have been open.

Senate Bill 82

ASBSD Position: Support

SB 82 increases the allowable financial level of purchases, sales, and contracts made by public officers with the state or its political subdivisions.

Policy Update

SB 82 amended SDCL 6-1-2, the statute which identifies certain exceptions to the governing board member conflict of interest statute, SDCL 6-1-1.

Currently, under the exceptions a school board member may enter into a contract with the school district for supplies or services, regardless of whether other sources of supply or services are available within the school district, provided the contract is for less than \$3,000 (during the school fiscal year) and as long as the cost for the supplies or services is reasonable and just. Effective July 1, 2014, the amount of the contract has to be \$5,000 or less.

SDCL 6-1-2(2) also currently says a school board member may enter into a contract with the school district if the contract involves more than \$3,000 but less than the amount for which competitive bidding is required, if there is no other source of supply or services available within the school district if the consideration for such supplies or services is reasonable and just. The accumulated total of the contracts paid during the fiscal year must not exceed \$50,000 for public improvements, or a contracts for supplies or services (other than professional services) must not involve an expenditure of \$25,000 or more.

Effective July 1, 2014, the amount of the contract has to be more than \$5,000 but less than the amount for which competitive bidding is required for this exception to apply.

Legislative Summary

Passed and signed: Other key K-12 bills

Senate Bill 113

ASBSD Position: Support

SB 113 changes the suspension provisions for students participating in extracurricular activities who have been convicted of a drug related offense.

Policy Update

SDCL 13-32-9 was amended by SB 113. SDCL 13-32-9 requires students participating in SDHSAA activities to be suspended if adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana.

Current law makes a student ineligible for one year which can be reduced to 60 school days if the student participates in an assessment or completes an accredited intensive prevention or treatment program. Under current law, a second violation results in the student being ineligible to participate in any extracurricular activity for the duration of high school.

Effective July 1, 2014, the law allows (but does not require) the one year suspension for a first offense to be reduced by thirty calendar days if the student participates in an assessment with a certified licensed addiction counselor. If a suspension for a first offense is reduced to 30 calendar days, the student is also ineligible for a minimum of two South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period.

The one year suspension for a second offense may be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is also ineligible for a minimum of six South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period.

SDCL 13-32-9, as amended, states that in order for events to count toward the minimum number of events for which the student is ineligible following a reduction in the suspension for a first or second offense, the student must participate in the entire activity season.

Failure of a student to complete the entire activity season results in the student being ineligible for one year from the date of adjudication, conviction, the subject of an informal adjustment or court approved diversion program, or subject of a suspended imposition of sentence or suspended adjudication of delinquency.

A suspension that is not completed by the student during one activity season carries over to the next activity season in which the student participates. Additionally, although students are ineligible to participate in activity events, competitions, and performances, the school may allow a student to participate in practices.

Effective July 1, 2014, a student is ineligible for the remainder of his or her high school for a third offense.

Also, no school may impose a lesser consequence than those established in SDCL 13-32-9, but a school board may adopt a policy with more strict consequences.

Additionally, a suspension begins on the day following the Unified Judicial System notifying school administration that the student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency, and the school administrator has given notice to the South Dakota High School Activities Association and to the student.

Senate Bill 145

ASBSD Position: Monitor

SB 145 identifies CPR as a recommended skill that all schools should include within school health curriculum, recommends use of nationally recognized program for instruction and survey's school districts about instruction.