



Summary: 2012 Legislative Session

The following summary includes legislation ASBSD followed during the 2012 legislative session. All legislation listed has passed and has been signed into law.

EDUCATION REFORM

HB 1234 – OMINIBUS EDUCATION REFORMS

A multi-faceted education reform proposal that is intended to recruit individuals to fill critical-need teaching positions, introduce new ways of compensating teachers, require more frequent and more rigorous teacher and principal evaluation, and alter the state's continuing contract laws. Petitions are being circulated to refer this law to a public vote. For a thorough breakdown of the bill, download the ASBSD issue brief at: <http://www.asbsd.org/page174.aspx>.

SB 25 – NEW PUBLIC SCHOOL ACCOUNTABILITY SYSTEM

Provide for the creation of a new state accountability system for public elementary and secondary schools. For a thorough breakdown of the bill, download the ASBSD issue brief at: <http://www.asbsd.org/page174.aspx>

SCHOOL FUNDING SUMMARIES

PER-STUDENT FUNDING

PER-STUDENT FUNDING – CURRENT VS. 2012 SESSION ADOPTED				
	CURRENT	2012 SESSION	CHANGE: FY12+FY13	
PSA	\$4,389.95	\$4,490.92	\$100.97	+2.3%
ONE-TIME	\$97	\$99.43*	+\$2.43*	+2.5%
TOTAL	\$4,486.95	\$4,590.35*	\$103.40*	+2.3%

The one-time funding allocated as a result of the 2012 Legislative Session will deliver additional one-time funding in both the FY12 and FY13. Schools will receive approximately \$68.70 in one-time per-student funding prior to June 30, 2012. Next year, schools will receive approximately \$30.73 per-student in one-time funding.

ONE-TIME AND ONGOING K-12 APPROPRIATIONS

K-12 APPROPRIATIONS - 2012 LEGISLATIVE SESSION			
ONGOING COMMITMENT		ONE-TIME COMMITMENT	
DESCRIPTION	COST	DESCRIPTION	COST
2.3% base per-student increase	12.8 million (state+local)	FY 12 One-time payment to school districts (\$68.70)	\$8.7 million (state)
Statewide enrollment growth	7.4 million (state+local)	FY13 One-time payment to school districts (\$30.73)	\$3.9 million (state)
Fully fund the sparse schools formula	\$1.8 million (state)	FY13-FY14 Training Funds	\$8.4 million (state)
TOTAL	\$22 MILLION	TOTAL	\$21 MILLION

SCHOOL FUNDING – FIVE-YEAR PERSPECTIVE

PER-STUDENT FUNDING 2009 – 2013						
YEAR	STATE AID FORMULA FUNDING			INCLUDING ONE-TIME FUNDING		
	BASE PSA	CHANGE	FROM FY11	ONE-TIME	TOTAL	FROM FY11
2009	\$4,652.02					
2010	\$4,804.60	\$162.58 (3.5%)				
2011	\$4,804.60	\$0 (0%)				
2012	\$4,389.95	-\$414.65 (-8.6%)		\$97 \$68.70*	\$4,486.95 \$4,555.65	-\$318.48 (-6.6%) -\$248.95 (-5.2%)
2013	\$4,490.92	+\$100.97 (+2.3%)	-\$313.68 (-6.5%)	\$30.73	\$4,521.65	-282.95 (-5.9%)
*With the passage of HB 1137, schools will be provided \$68.70 per-student in one time money. That allocation is for FY 2012, and not 2013.						

SCHOOL FUNDING LEGISLATION

HB 1137 – ONE-TIME FUNDING FOR FY 12

Offers \$68.70 in one-time per-student funding for the FY12 budget year. The funds will be distributed prior to June 30, 2012.

HB 1195 – FEES FOR EDUCATIONAL PROGRAMMING AND SERVICES

Authorize the collection of fees for certain educational programming and services. ASBSD-backed bill to clarify that parents can voluntarily pay fees to enroll children in pre-kindergarten, driver education or summer school programs. Does not permit the fee authority to be used to fund extra-curricular activities. Effective immediately, because the governor has signed the bill.

HB 1199 – SPARSITY FUNDING

Requires the state to fully fund the state's sparsity funding provisions up to a maximum of \$110,000 per qualifying district.

SB 192 – ONE-TIME PER-STUDENT FUNDING

Offers \$30.73 per-student in one-time money and \$8.4 million in training to assist with the implementation of new state learning standards and a teacher evaluation system.

SB 197 – GENERAL APPROPRIATIONS BILL

Appropriates more than \$4 billion for the operation of state government for FY13, including \$1.22 billion in state general fund dollars. Includes \$362.6 million in funding to K-12 education, including state aid formula funding and aid to special education, which represents 29.8 percent of the state's general fund spending.

HB 1041 – SPECIAL EDUCATION MAINTENANCE OF EFFORT

Authorize the carryover of the state aid to special education appropriation in order to meet federal maintenance of effort levels.

SB 8 – PER-STUDENT FUNDING FOR SPECIAL EDUCATION

Revise certain provisions related to the calculation of state aid to special education. Legislation to rebase the per-student funding levels for students needing special education services. The adjustment is made every three years.

TAXATION

HB 1003 - TAXABLE VALUE OF CROPLAND AND NONCROPLAND

Revise the limitation on the increases and decreases that may be made to the total taxable value of cropland and non-cropland. Delays full implementation of ag productivity value and increases the amount valuations can fluctuate as the productivity valuation system is phased in.

SB 49 – PROPERTY TAX LEVIES

The annual adjustment of property tax levies. Tax levies for FY13 are: Ag – 2.322; Owner-occupied – 4.029; Commercial – 8.628.

SB 123 – RURAL ELECTRIC COMPANIES TAXATION

Revise how the taxes are applied to rural electric companies. Changes the method of taxation from a 2 percent gross receipts tax to a tax per kilowatt hour of energy sold. Reduce the amount of non-formula funding for schools and will slow annual growth in the revenue.

STUDENT ISSUES

SB 23 – CONTROLLED SUBSTANCES

Adds additional categories of synthetic drugs to the controlled substances list.

SB 183 – SEXTING BAN

Defines juvenile sexting and makes the activity a Class 1 misdemeanor. Also includes language that enables a juvenile to defend against claims of sexting if the minor did not solicit or distribute the image, and that the image was deleted in a reasonable time following receipt of an image. Also allows for minors defense against allegations of sexting if the image is of the minor and it was not distributed.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SCHOOL GOVERNANCE AND ADMINISTRATION

HB 1005 – ALTERNATIVE INSTRUCTION APPLICATIONS

Makes it clear that alternative instruction applications are approved at the time of application and without the school board having to approve a parent or guardian's request.

HB 1124 – CRIMINAL BACKGROUND CHECK EXPENSE

Permit a school district to pay the fees charged for any criminal background investigation that is required by law for a prospective employee. Does not contain an emergency clause, so the law will become effective on July 1, 2012.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

HB 1189 – OPEN ENROLLMENT DEADLINE

Establish a deadline within each semester after which no student may transfer to a school district other than the resident school district through the enrollment options program. Applications for open enrollment between districts must be received by the last Friday in September or the last Friday in January. Deadlines do not apply if a student transfers to an alternative school or specialized education program or if the student becomes a resident of the district. Also allows school boards to accept a student after the deadline if special circumstances exist.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SB 130 – ANTI-BULLYING LEGISLATION

If a school district does not have a bullying policy, the school board must adopt one. If the district does not adopt the policy by June 30, 2012, then the district must adopt a policy that meets criteria specified in law. Requires that school district policy must protect all students, and may not include protected classes of students. Also includes protections against legal action for school districts if school officials diligently enforce school board policies.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SB 186 – PROVISION OF DIGITAL TEXTBOOKS

Defines textbooks as “any instructional materials that constitute the principal source of teaching and learning for a given course of study including print and digital materials, but not including any computer hardware.” Updates the state law that requires public schools to loan, without charge, textbooks to students enrolled in nonpublic schools or students who are receiving alternative instruction.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

GOVERNMENT TRANSPARENCY

HB 1131 – PUBLIC NOTICES

Requires posted meeting agendas that are visible, readable and accessible at least 24 hours prior to the public meeting. Requires notices to be posted on the website, if the district has a site. Allows media notifications to be via e-mail.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SB 75 – FEES FOR PUBLIC RECORDS

If providing a public record requires a specialized service, public entities can charge a reasonable fee, but there can be no additional fee simply for digital transmission. Adds language that requires public entities to provide, without charge and via electronic transfer, copies of the past three years of minutes.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SB 106 – EMPLOYEE CONTRACTS ARE PUBLIC RECORDS

Clarifies public records exemption that prevented school districts from disclosing information other than routine directory information. Allows for the public inspection or copying of any current or prior contract with any public employee or any related document that specifies how much an employee is paid.

SB 161 – PUBLIC MEETINGS BY TELECONFERENCE OR VIDEOCONFERENCE

If a public meeting is taking place by video conference and a quorum of the members are taking part via a teleconference, public entities must provide the public with a way to listen via the telephone or internet.

► May require an update to district policy; for more refer to the next edition of Policy Matters. ASBSD will also make necessary changes to the ASBSD Online Policy Reference Manual.

SOUTH DAKOTA RETIREMENT SYSTEM

SB 29 – CREATES ROTH DISTRIBUTION PLAN WITHIN SDRS

Provides SDRS members with a secondary option for supplemental retirement. Allowing members to contribute to a Roth will allow post-tax contributions to retirement savings and benefits won't be taxed at the time of the distribution.

SB 30 – SDRS SECOND BENEFIT DISTRIBUTION PLAN

Gives the SDRS authority to develop a second benefit distribution plan, but the companion system can't be used without legislative authorization.

SB 31 – SDRS DEFERRED COMPENSATION PLAN

Clean-up language that modifies some definitions used by the South Dakota retirement system.

ELECTIONS AND ELECTED OFFICIALS

HB 1147 – SCHOOL BOARD MEMBER LIABILITY

Strikes law that says a board member who authorizes a contract, warrant or check is individually liable for the action.

SB 58 – DIGITAL POLLING BOOKS

Revise certain provisions concerning elections conducted at voting centers and to declare an emergency. Codifies the practice of using digital polling books at election sites.

MISCELLANEOUS

HB 1006 – DOE OUTDATED AND OBSOLETE PROVISIONS

Revise certain outdated and obsolete provisions regarding the Department of Education.

HB 1007 - DOE OUTDATED AND OBSOLETE PROVISIONS

Repeal certain outdated and obsolete statutes regarding the Department of Education.

HB 1128 –HEARINGS ON NEW ACADEMIC STANDARDS

Require the Board of Education to conduct public hearings before adopting any new Common Core academic standards.

HB 1133 – LEGISLATURE’S PLANNING COMMITTEE

Establishment of an 11-member legislative planning committee that will meet during the year to consider legislative business and proposals. Petitions are being circulated to refer this legislation to a public vote.

SB 139 – TEACH FOR AMERICA

Expands the Teach for America grant program, with the intention of doubling the number of teachers to 100 over the next few years. Provides a state general fund match based on the level of private contributions made to fund the grant program.