



## DRAFT

# 2019 ASBSD Legislative Resolutions

Revised: 8/8/2018

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### Overview

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ASBSD Resolutions are policy statements adopted by the ASBSD membership that guide your Association's advocacy efforts at the state and federal levels. A subcommittee of the ASBSD Board of Directors – called the ASBSD Policy and Resolutions Committee – develops draft policy statements for consideration by the full membership at the ASBSD Delegate Assembly.

### A. Achievement and Equity

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#### 1. PRESCHOOL STANDARDS

##### RESOLUTION

ASBSD supports the South Dakota Early Learning Guidelines for voluntary preschool education programs.

##### RATIONALE

Preschool is defined as any public education program for children under age 5. Research points to clear short and long-term benefits of pre-k (pre-school) programs. It's widely accepted that early experiences form vital connections in a child's brain and influence how a child learns and develops throughout life. According to research, quality pre-k (pre-school) programs reduce the number of students in need of special education services and the number of students that have to repeat grades. Research has also documented long-term efficiency of pre-kindergarten (pre-school) programs through a reduction in the juvenile crime rate and lessening later reliance on public assistance programs.

ADOPTED: 2008

REVISED: 2017

#### 2. STATE FUNDED PRESCHOOL

##### RESOLUTION

ASBSD supports state funding of public voluntary preschool education programs so long as it does not jeopardize or repurpose current funding of public K-12 education.

##### RATIONALE

State funding for voluntary pre-school programs would be a welcome addition to the public K-12 funding model. However, that funding would need to be a supplement to the current funding model, not utilized to supplant it, in any way. Any adjustment to the current funding model, which did not add new money to the model, would jeopardize academic opportunities currently in place in public school districts.

ADOPTED: 2017

## **A. Achievement and Equity**

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### **3. PROFESSIONAL DEVELOPMENT (PROPOSED DELETION)**

#### RESOLUTION

~~ASBSD supports full funding for mandated professional development.~~

#### RATIONALE

~~ASBSD supports professional development for teachers and administrators. Because of mandates for new innovations, we believe full funding to train professionals is essential.~~

ADOPTED: 2008

REVISED: 2018

### **4. COMPULSORY SCHOOL ATTENDANCE**

#### RESOLUTION

ASBSD supports compulsory attendance in public school to age 18 or until a student graduates.

#### RATIONALE

In today's global economy, every South Dakota student deserves the lasting benefits of a high school diploma. Maintaining compulsory attendance age until 18 will make public school policy mirror BIE policy, minimizing the potential for students to transfer to public school in order to drop-out of high school.

ADOPTED: 2008

### **5. SOUTH DAKOTA ACADEMIC CONTENT STANDARDS, GRADUATION REQUIREMENTS AND STATE ASSESSMENT EXAMS (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD supports South Dakota academic content standards, with sufficient financial resources and professional development for school staff, to facilitate implementation of the standards and graduation requirements as well as the full participation of students in state assessment exams.

#### RATIONALE

South Dakota academic content standards and graduation requirements serve as expectations for what students should know and be able to do by the end of each grade level and upon graduation. The review, revision, development, and feedback process involves stakeholders throughout the state of South Dakota and is an ongoing and critical component to ensure South Dakota students in every classroom receive current and relevant learning experiences. The goal is that all students will graduate college, career, and life ready.

ADOPTED: 2010

REVISED: 2018

## **A. Achievement and Equity**

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### **6. EXTRA AND CO-CURRICULAR ACTIVITIES – FREE PARTICIPATION**

#### RESOLUTION

ASBSD supports extra and co-curricular activities as an important component of South Dakota’s system of public education and opposes legislation that will in any way establish fees for participation in extra and co-curricular offerings.

#### RATIONALE

The South Dakota Constitution guarantees a free public education to all students. Extra-curricular and co-curricular activities, though not always offered for academic credit, are a valuable part of a child’s education and should remain free to all public school students.

ADOPTED: 2010

REVISED: 2014

### **7. SCHOOL EMPLOYEE COMPENSATION**

#### RESOLUTION

ASBSD supports continued commitment by the legislature to enhance the ability to attract, recruit and retain quality personnel in South Dakota public schools.

#### RATIONALE

To ensure public schools can recruit and retain quality employees, the state must maintain a long-term financial commitment to our schools in order to provide competitive salaries for their school employees.

ADOPTED: 2013

REVISED: 2017

## **B. Local Governance**

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### **1. STUDENTS RECEIVING ALTERNATIVE INSTRUCTION (HOME SCHOOL INSTRUCTION)**

#### RESOLUTION

ASBSD supports state guidelines for evaluating the academic progress of students receiving alternative instruction, the establishment of effective state regulations to ensure exempted students receive a high quality education and the right of the local public school board to decide criteria for allowing alternative instruction students to participate in extra-curricular and co-curricular activities.

#### RATIONALE

School boards and the Department of Education are responsible for the education of students receiving alternative instruction. State guidelines and regulations would provide school boards with criteria to determine if revocation of an application is warranted. When issues of participation in public school activities arise, the authority to determine who may participate should rest solely with the local public school board.

ADOPTED: 2008

REVISED: 2017

### **2. SCHOOL FINANCES**

#### RESOLUTION

ASBSD supports local governance in the management of district funds.

#### RATIONALE

Control of school finances should rest with the local public school board within the district.

ADOPTED: 2009

REVISED: 2012

### **3. CHARTER SCHOOLS (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD opposes any new legislation that creates charter schools ~~beyond what is currently authorized in statute, which permits Pilot Charter Schools for American Indian Students.~~

#### RATIONALE

Any ~~legislation that expansion beyond what is currently allowed in state statute~~ has the potential to introduce charter schools and could take ~~public school~~ funding from ~~current public~~ schools, receive waivers from state standards of accreditation and teacher certification, be selective in the students who may enroll, and be detrimental to local public school districts, should be opposed.

ADOPTED: 2012

REVISED: **2018**

## **B. Local Governance**

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### **4. PUBLIC FUNDING FOR NON-PUBLIC EDUCATION**

#### RESOLUTION

ASBSD opposes any law that diverts public dollars to fund non-public education in any manner.

#### RATIONALE

Legislation that diverts public dollars to non-public schools would be detrimental to the public education system.

ADOPTED: 2015

REVISED: 2016

### **5. PRIVATE SCHOOL SCHOLARSHIP PROGRAM**

#### RESOLUTION

ASBSD opposes state law allowing tax credits from the insurance company premium and annuity tax to fund a private school scholarship program and permits contributions made by the insurance companies to remain anonymous.

#### RATIONALE

The state law allowing the diversion of public dollars to non-public schools is detrimental to the public education system and, in the opinion of ASBSD, is unconstitutional. In addition, the scholarship program is based on an antiquated school funding system and may result in the program no longer remaining fiscally neutral for the state. Permitting contributions made by insurance companies to remain anonymous places their special interests above their tax obligation to the state and undermines transparency established in other state laws. ASBSD supports amending SDCL 13-65 to require contributions to the scholarship fund to become public information. ASBSD also supports amending SDCL 13-65 to require any school receiving funds under SDCL 13-65 to follow all state requirements that public schools follow, including (but not limited to) accepting students under the State's Open Enrollment statutes and requiring the school to continue educating all accepted students until tuition/scholarship dollars are no longer paid or the student is expelled pursuant to State law.

ADOPTED: 2016

### **6. SCHOOL DISTRICT IDENTIFICATION SYMBOLS**

#### RESOLUTION

ASBSD supports the local control by public school boards, and encourages them to seek input from community stakeholders on matters that involve symbols and events they believe uniquely identify their school.

#### RATIONALE

Public school districts are sensitive to the representation and depiction of all people through the use of mascots, nicknames, logos or other symbols and school events. Public school boards are open to discussion with local Native American tribes, community organizations and members on the utilization of these symbols and maintain their local control to make determinations on usage based on these discussions and what is best for the district, as a whole.

ADOPTED: 2016

## **B. Local Governance**

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### **7. USE OF BATHROOM, LOCKER ROOM AND OTHER FACILITIES**

#### RESOLUTION

ASBSD supports the judgment and integrity of local public school boards and school districts to act in the best interest of their students, school and community and show respect for all students, staff and other individuals including using bathrooms, locker rooms and other facilities.

#### RATIONALE

Public school boards, as elected leaders, are responsive and accountable to local citizens, and, as noted by Gov. Dennis Daugaard in his 2016 veto message of House Bill 1008, “can, and have, made necessary restroom and locker room accommodations that serve the best interests of all students, regardless of biological sex or gender identity.” Local public school boards and districts who have been met with these matters previously have prudently reached a decision that works best for all parties involved.

ADOPTED: 2016

### **8. LEGAL AND FINANCIAL PROTECTION FOR COMPLIANCE WITH STATE LAW**

#### RESOLUTION

ASBSD supports a provision in law that would require the South Dakota Attorney General’s office to represent a public school district, should it face a lawsuit while complying with the state law, and indemnify the public school district for any financial liability incurred by the district rising out of the lawsuit.

#### RATIONALE

Public school districts respect the letter of the law and implement statutory requirements handed down to them by the legislature. Should a district face litigation for complying with state law, ASBSD believes a legal and financial partnership with the State of South Dakota is necessary. There is precedent in law related to this request as SDCL 13-34-25 states the attorney general would represent a school district at no cost should it be sued for complying with state statute related to use of textbooks, and we believe this right should be extended to all laws requiring school district compliance with state law.

ADOPTED: 2016

### **9. BEHAVIORAL and MENTAL HEALTH RESOURCES (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports additional State and Federal resources for schools to support the behavioral and mental health of students in K-12 public schools.

#### RATIONALE

Public schools are experiencing a growing need for support in mental health resources including, behavior specialists and social workers, which most schools cannot afford. An increasing number of students with behavior and mental health issues have taxed the resources available in schools. Learning and instruction are disrupted and hindered if a student’s behavioral or mental health problems are not addressed. Support from state and federal funds is essential to providing the resources needed.

ADOPTED: **2018**

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## **B. Local Governance**

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### **10. SAFE SCHOOLS RESOURCES (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports additional State, Federal, and local resources for schools to create a safe learning environment for all students in K-12 public schools.

#### RATIONALE

Recent incidences of violence in schools is causing a revelation of school safety plans. Additional resources are needed to:

- a. Dedicate more resources to community efforts to “wrap services around” students. This starts at the district and school building level with programs that nurture students’ social and emotional needs and growth. Through this support, communities can implement threat assessment and help students in need of intervention;
- b. Provide sustained and flexible funding for comprehensive school safety planning and implementation. School boards may consider building improvements and school climate programs to enhance safety which can require capital outlay funds;
- c. Fund more collaborative projects between schools and local law enforcement. ASBSD believes the best option to ensure school safety is through partnership with local law enforcement agencies, specifically in the form of school resource officers being in schools.

ADOPTED: 2018

### **11. ALTERNATIVE INSTRUCTION OVERSIGHT (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports state law granting school boards the authority to approve or deny homeschool exemption requests.

#### RATIONALE

Many parents and guardians provide effective alternative instruction for their students in legitimate settings, with capable home instructors. However, public schools have experienced an increasing trend of parents or guardians utilizing alternative instruction laws as a way to circumvent compulsory attendance, or remove their children from school all together. Using alternative instruction exemptions for inappropriate purposes harms those students and the alternative instruction community who use the exemption for its intended purpose. School boards should have the authority to approve or deny alternative instruction exemptions based on identified criteria, if they have reason to believe the application will not lead to viable instruction.

ADOPTED: 2018

## C. School Finance

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### 1. SCHOOL FUNDING (PROPOSED AMENDMENT)

#### RESOLUTION

ASBSD supports a state education funding system that provides adequate aid for public schools to deliver a high quality education to all students, competitively compensate district employees and allow local management of funds, through the following provisions:

- Utilizes revenue, and any potential growth, generated by the half-cent increase to the state's sales tax dedicated to teacher salaries;
- Raises the state average teacher salary to at least \$48,500 or higher and continues to review teacher salaries in order to stay competitive in region markets;
- Allows school districts to negotiate salary agreements that best fit their teaching staff within the mandated allocations set in statute;
- Covers the additional cost of benefits and overhead expenditures school districts incur;
- Sets student to teacher ratio levels that judiciously distribute dollars to school districts;
- Maintains the flexibility provision for districts to use capital outlay dollars for general fund expenses;
- Continues to review the distribution of other revenue funds;
- Ensures school districts have a process should they need a waiver from any piece of the funding system's statutory requirements;
- Appropriates funding to increase efficiencies through technology improvement grants, utilization of shared services, e-Learning programs, a teacher mentoring program and for national board certification for teachers;
- Allows school districts whose maximum per student capital outlay levy is under the state average to maintain or increase their Capital Outlay up to \$3,000 per thousand at the discretion of the school board.

#### RATIONALE

The revamped funding system, which was implemented in 2016, has evolved in the brief time since it was put in place and will continue to do so, but the foundational belief remains the same that the school funding system must provide districts with adequate funding in order for public schools to provide quality education to their students.

ADOPTED: 2008

REVISED: 2018

### 2. CONSISTENT SPARSITY FUNDING

#### RESOLUTION

ASBSD supports consistent district-level funding provided by the state for sparse public school districts as defined in SDCL 13-13-78.

#### RATIONALE

The state's sparse funding has provided much needed resources to the state's smallest and most rural schools. However, since the funding has been instituted, the amount of funding delivered to districts has declined and has been threatened for repeal. Given that sparsity funding amounts to more than 10 percent of the operating budget in some rural districts, the state's smallest most geographically isolated districts deserve consistent state supplemental funding.

ADOPTED: 2009

REVISED: 2014

## **C. School Finance**

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### **3. SCHOOL FUNDING – TWO YEAR ENROLLMENT AVERAGING**

#### RESOLUTION

ASBSD supports reinstating two-year enrollment averaging or current enrollment, whichever is larger, in place of the fall enrollment count for the state aid formula calculation.

#### RATIONALE

With the passage of SB 131 the provision of the state aid formula that allowed for two year averaging of school district enrollment was eliminated. With year to year fluctuations in student enrollment, public schools depend on two year averaging to provide stability in their budgeting process.

ADOPTED: 2016

### **4. CAPITAL OUTLAY ADJUSTMENTS (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports legislation changing the Capital Outlay statutes specifically designed to set the Capital Outlay growth cap at 3 percent.

#### RATIONALE

Since the implementation of the Capital Outlay growth caps, schools have experienced growing pressure on the Capital Outlay fund. Adjusting the inflationary index to provide schools with a limit of 3 percent, but without a floor, would help minimize this pressure.

ADOPTED: **2018**

## **C. School Finance**

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### **6. GENERAL OBLIGATION BOND ELECTION (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports legislation allowing a school bond to be approved by a simple majority vote.

#### RATIONALE

With the growth caps placed on Capital Outlay, schools are finding it increasingly difficult to fund major Capital Outlay projects, such as facility construction. School districts need the ability to pass bonds on local construction whereby a majority vote of the electorate is enough for it to pass. Under current law SDCL 7-24-2 county bonds only require a simple majority, while school related bonding requires a 60 percent vote to pass. Thus, the change would be consistent with another government subdivision requirement.

ADOPTED: 2018

### **7. PROPERTY TAX EXEMPTION FOR ALTERNATIVE INSTRUCTION (NEW RESOLUTION)**

#### RESOLUTION

ASBSD opposes legislation exempting parents or guardians who provide alternative instruction from property taxes.

#### RATIONALE

Exempting specific tax payers from the need to pay for public education defeats the purpose of taxation of the general public to provide the constitutionally mandated support for public schools. Parents and guardians utilizing alternative instruction have made a choice when it comes to exempting out of the public school system and that choice should be respected, however, forgiving their tax obligation to fund public education is a dangerous precedent that would lead to any government service being provided on a use basis. Government cannot function in that model.

ADOPTED: 2018

## **C. School Finance**

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### **8. STATE AID INFLATION FACTOR (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports adherence to the State Aid inflationary index by the Governor and the Legislature in the event dollars above what is distributed in the index factor cannot be provided.

#### RATIONALE

Since the change in the state funding formula in 1995, the concept of an inflation factor to increase the state aid formula over time has been based on 3 percent or CPI-W, whichever is less. The inflationary index has been appropriated by the Legislature each fiscal year, with the exception of FY 2011, 2018 and 2019. The inflation factor is critical to schools in order for them to maintain a consistent revenue source. There is growing concern when state dollars are limited, the inflation factor is optional and the legislature is not required to adhere to the law. Schools need the index factor and the Legislature needs to fund at least the minimum index requirement. School districts must be appropriated at least the index factor to pay for the growing needs to:

- a. to provide salary increases to teachers, as well as maintain salaries for all personnel
- b. meet inflationary increases in the operation of the schools,
- c. maintain safety and health related services
- d. provide current technology and instructional materials

The inflation factor cannot be optional. Appropriating funds for public schools is a constitutional requirement and education should be a state budget priority. There are strong reasons to have an inflationary index and the law must be followed.

ADOPTED: 2018

### **9. ACCOUNTABILITY WAIVER PROCESS (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports the waiver process option for school districts to seek relief from accountability requirements, including, but not limited to, meeting the target teacher compensation and the general fund reserve cash caps.

#### RATIONALE

There must be a balance between accountability and flexibility regarding funds for enhancing teacher salaries and general fund cash reserves. Each school district faces unique challenges and situations and the waiver process is an important component in guaranteeing flexible options for schools to meet the teacher salary targets and general fund cash reserve caps.

ADOPTED: 2018

## **D. Taxation**

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### **1. SALES TAX REVENUE (PROPOSED DELETION)**

#### RESOLUTION

~~ASBSD supports the utilization of revenue collected from the half-cent increase to the sales tax for state funding of public K-12 education dedicated to teacher salaries.~~

#### RATIONALE

~~The half-cent increase to the sales tax provides the additional funding needed to support public education, especially in maintaining competitive teacher salary levels with neighboring states. Reference: SDCL 13-13-10.1, 13-13-73.6; 10-45-2 through 10-45-8; 10-45-71.~~

ADOPTED: 2015

REVISED: **2018**

### **2. SALES TAX EXEMPTION REVIEW (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports the review of current statutes which address sales and use tax exemptions and consider rescinding those that could contribute to the state's general fund

#### RATIONALE

The continual pressure on State government to fund needed services, especially public education, has forced the need to examine all sources of funding. With more than a billion dollars in exemptions to sales tax in South Dakota, serious consideration should be given to which exemptions are essential and which can contribute to sales tax revenue.

ADOPTED: **2018**

### **3. COMMITMENT TO THE HALF PENNY SALES TAX RATIO (NEW RESOLUTION)**

#### RESOLUTION

ASBSD supports continued adherence to the original ratio of funds from the half penny sales tax established in HB 1182 (SDCL 10-58-7) in 2016 dedicated to funding teacher salaries.

#### RATIONALE

ASBSD believes the State must continue the revenue distribution ratio implemented when the half-cent sales tax was approved in order for schools to maintain funding teacher salaries at the rate required by state mandates attached to the additional dollars and to fulfill the purpose the original statute intended.

ADOPTED: **2018**

## **E. Personnel**

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### **1. CONTINUING CONTRACT (PROPOSED DELETION)**

#### RESOLUTION

~~ASBSD supports legislation to deny continuing contract rights to teachers who have received two consecutive years of unsatisfactory evaluations.~~

#### RATIONALE

~~ASBSD believes students should have the best teachers in the classroom. Using the state mandated evaluation process, a teacher whose performance is determined to be deficient should lose their continuing contract rights.~~

ADOPTED: 2008

REVISED: **2018**

### **2. HUMAN RESOURCE MANAGEMENT**

#### RESOLUTION

ASBSD supports a local public school district's ability to develop hiring, evaluation and compensation policies to develop performance and market-based compensation mechanisms that support local efforts to recruit and retain quality staff.

#### RATIONALE

School boards, administrators and teachers are in the best position to decide whether the school district has the financial resources, personnel, data systems and desire to implement local policy. Districts should have the flexibility to adopt effective hiring, evaluation and compensation policies.

ADOPTED: 2010

REVISED: 2012

## **F. Unfunded Mandates**

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### **1. STATE EDUCATION MANDATES**

#### RESOLUTION

ASBSD supports legislative action to require the State to adopt a fiscal note associated with and providing funding for all mandates placed on local public school districts.

#### RATIONALE

When state mandates place additional burdens on school boards, funds should be allocated to compensate expenses incurred. Therefore, it should be the policy of the State Department of Education to adopt fiscal notes and request funding from the legislature, prior to the passage of all mandates placed on local public school districts.

ADOPTED: 2008

REVISED: 2017

### **2. FEDERAL MANDATES**

#### RESOLUTION

ASBSD supports full funding for all federal mandates.

#### RATIONALE

When federal policymakers enact laws intended to foster higher levels of school performance and academic achievement, Congress must adequately fund federal mandates to avoid causing local school boards to shift local resources to meet the demands of federal education policies.

ADOPTED: 2008

REVISED: 2016

## **G. Federal Relations**

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### **1. MEDICAID SERVICE REIMBURSEMENT**

#### RESOLUTION

ASBSD supports the continuation of federal Medicaid Service provided to public school K-12 for providing health services to Medicaid-eligible students.

#### RATIONALE

Public schools play a key role in identifying eligible children for Medicaid, connecting children to needed services in schools and communities. Medicaid service reimbursement funds help South Dakota public school districts provide outreach and coordination services that ultimately helps eligible children receive health services in a timely manner.

ADOPTED: 2008

REVISED: 2012

### **2. SCHOOL NUTRITION**

#### RESOLUTION

ASBSD supports flexibility in federal law for state and local food service personnel to adjust the nutrition requirements including changes to the calorie maximum, to ensure they are providing school meals that meet the needs of their diverse student body in their communities.

#### RATIONALE

A one-size-fits-all policy ties the hands of local public school lunch providers. According to recent report, the USDA's new regulations have led to hungrier students, wasted food, and increased costs for schools.

ADOPTED: 2010

REVISED: 2016

### **3. E-RATE**

#### RESOLUTION

ASBSD supports action by Congress and the Federal Communications Commission to strengthen the E-Rate program and improve the quality and speed of Internet connectivity in our nation's public K-12 schools.

#### RATIONALE

The E-rate program, officially called the Schools and Libraries Program Universal Service Fund, provides significant discounts to schools and libraries to help them build technology infrastructure and provide telecommunications and Internet services for students in low-income and rural areas. The program is a vital source of funding to maintain and improve Internet connectivity in public K-12 schools. Expansion of the federal E-rate program would improve access to technology for public K-12 schools and students.

ADOPTED: 2010

REVISED: 2012

## **G. Federal Relations**

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### **4. EVERY STUDENT SUCCEEDS ACT (ESSA)**

#### RESOLUTION

ASBSD supports the federal education policy emphasizing the importance of local governance, providing states with more control over education standards and strengthening support for local control in managing school administration, budget development and related operations for public school district responsibilities.

#### RATIONALE

ESSA affirms state control of education standards by allowing them to set their own benchmarks for student achievement in math and reading. In addition, ESSA reaffirms the importance of local governance as state education standards will be up for peer review by public school board members, administrators, parents and other groups. A local governance measure included in the bill strengthens support for local control which will enhance the local district's goal of consistent student achievement.

ADOPTED: 2016

### **5. REPURPOSING FEDERAL FUNDING FOR SCHOOL CHOICE EXPANSION (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD opposes the repurposing of federal funds in order to expand school choice options.

#### RATIONALE

The repurposing of federal funds to expand school choice options ~~—as proposed in drafts of the federal budget—~~ would have lasting effects on public school programs that originally received these funds. The use of public funds to expand school choice damages public schools by removing dollars dedicated to these schools to support students in a multitude of programs.

ADOPTED: 2017

REVISED: **2018**