



## 2022 ASBSD Legislative Resolutions

Updated 10/6/21

### 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. 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, consistent with the SD Early Learning Guidelines, 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

REVISED: 2019

#### 2. COMPULSORY SCHOOL ATTENDANCE

##### RESOLUTION

ASBSD supports compulsory school attendance to age 18 or until a student graduates or earns their GED. ASBSD also understands to accomplish this goal cooperative funding and support for at-risk youth must be provided to the districts.

##### 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

REVISED: 2019

## **A. Achievement and Equity**

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### **3. SOUTH DAKOTA ACADEMIC CONTENT STANDARDS, GRADUATION REQUIREMENTS AND STATE ASSESSMENT EXAMS**

#### 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 continue their education, ultimately becoming career and life ready.

ADOPTED: 2010

REVISED: 2020

### **4. 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: 2018

### **5. ADDITIONAL STATE TESTING REQUIREMENTS**

#### RESOLUTION

Beyond what is already required in state and federal law, ASBSD opposes legislation that would exempt any student in a public, private or homeschool from state assessments.

#### RATIONALE

Should an additional testing requirement be deemed reasonable and necessary by the South Dakota Department of Education, ASBSD believes all students should be included in the requirement. All groups of students, whether in public, private or homeschool education programs, should be required to demonstrate knowledge at a similar level to that of their peers residing in a different educational path.

ADOPTED: 2019

## **A. Achievement and Equity**

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### **6. CONTENT STANDARDS & CURRICULUM ADOPTION (PROPOSED ADOPTION)**

#### RESOLUTION

ASBSD supports the authority within current state statute of the South Dakota State Board of Education Standards to adopt content standards for accredited school districts and of the local school board to implement curriculum within the content standards that is best suited for their local school district without additional statutory intrusion that dictates what each board must adhere to.

#### RATIONALE

The South Dakota State Board Education Standards and local school boards across the state are best suited to make decisions regarding what content, courses and instruction materials are best for the K-12 students of South Dakota. New laws dictating what content, courses and instruction materials the schools of South Dakota can or cannot utilize would be a hinderance to the state and local boards, who are the knowledgeable decision makers in these areas, and potential limit the education of students.

ADOPTED: 2021

## **B. Local Governance**

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### **1. STUDENTS RECEIVING ALTERNATIVE INSTRUCTION (HOME SCHOOL INSTRUCTION) FOLLOWING LOCAL SCHOOL DISTRICT POLICIES AND RULES (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD supports all local school district eligibility requirements, policies and rules related to student participation in extracurricular, co-curricular and all other school sponsored activities be obeyed by homeschool students planning to participate ~~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.~~

#### RATIONALE

~~Senate Bill 177, which was passed during the 2021 legislative session, removed the local school board's decision making on the participation eligibility of homeschool students in local activities. The bill does require a homeschool student participating in public school district activities be held to the same local training rules. ASBSD believes all students, regardless of path of education, participating in an activity be held to the same standard and follow all protocols. 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: 2021

### **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 OR OTHER SCHOOL SYSTEMS (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD opposes any new legislation that creates charter schools or a similar school system that would require the use of any state or federal funds in order to operate.

#### RATIONALE

Any legislation that has the potential to introduce charter schools or similar school systems and could take funding from 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: 2021

## **B. Local Governance**

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### **4. PUBLIC FUNDING FOR NON-PUBLIC EDUCATION (PROPOSED AMENDMENT)**

#### 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 education would be detrimental to the public education system.

ADOPTED: 2015

REVISED: 2021

### **5. PRIVATE SCHOOL SCHOLARSHIP PROGRAM (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD opposes state law allowing tax credits from the insurance company premium and annuity tax or any other private entity 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

REVISED: 2021

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

#### 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

REVISED: 2020

## **B. Local Governance**

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### **7. DECISION-MAKING AUTHORITY REGARDING TRANSGENDER LEGISLATION (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD supports the judgment and integrity of local public school boards and school districts to act in the best interest of all their students, school and community and show respect for all students, staff and other individuals including transgender persons, within the parameters of existing law and the South Dakota High School Activities Association's policy and procedure on participation.

#### RATIONALE

Public school boards, as elected leaders, are responsive and accountable to local citizens, as noted in the 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, as well as SDHSAA, who have been met with these matters previously and have prudently reached a decision that works best for all parties involved.

ADOPTED: 2016

REVISED: 2021

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

#### RESOLUTION

ASBSD supports provisions 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 and 13-24-24 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 or the display of the national motto and we believe this right should be extended to all laws requiring school district compliance with state law.

ADOPTED: 2016

REVISED: 2019

### **9. BEHAVIORAL and MENTAL HEALTH RESOURCES (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD supports additional State and Federal resources for schools to support the behavioral and mental health of students and personnel 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 and personnel with behavior and mental health issues have taxed the resources available in schools. Learning and instruction are disrupted and hindered if a student's or staff member's behavioral or mental health problems are not addressed. Support from state and federal funds is essential to providing the resources needed.

ADOPTED: 2018

REVISED: 2021

## **B. Local Governance**

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### **10. SAFE SCHOOLS RESOURCES**

#### 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

School safety plans are continuously evolving and essential to ensuring a safe environment, thus 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

REVISED: 2019

### **11. SCHOOL BOARD TRAINING POLICY**

#### RESOLUTION

ASBSD supports the right and responsibility of locally elected school boards to establish policy outlining the requirements for initial training and continuing education of their school board members.

#### RATIONALE

Initial and continuing education of school board members is important in order to enhance their knowledge base resulting in strong and effective leadership for the district. Initial school board member training and continuing education is also important as it sets a good example for students, administrators, staff and community members, and shows the local school community and the State that local school board members are deeply committed to their public service and responsibilities.

ADOPTED: 2019

## **B. Local Governance**

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### **12. SCHOOL BOARD AND SCHOOL BOND ELECTIONS (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD opposes any legislative mandate which would require public school district annual school board elections, or special elections, or both, ~~to be held on the first Tuesday in June and in conjunction with the primary election in even-numbered years, or on the first Tuesday in November and in conjunction with the general election during even-numbered years~~ be held on any date other than what is determined by the local school board.

#### RATIONALE

It is important for locally elected school boards to be able to decide, within the parameters of state statute, the date they will hold their school board and school bond elections, in order to maintain the non-partisan nature of these elections. School bond elections should also be left to local control of the school board so the district can meet construction project timelines and favorable interest rates, should the bond be passed by the local voters. Since 1939 the locally elected school board has had the statutory authority to set the date of the annual school election and since 1981 the locally elected school board has had the statutory authority to choose to hold a general school district election in conjunction with a regular municipal election. School elections are a local decision and should remain as such.

ADOPTED: 2020

REVISED: 2021

### **13. GOVERNANCE DURING THE COVID-19 PANDEMIC**

#### RESOLUTION

ASBSD supports school districts' maintaining high expectations for learning and recognizes local decision making is essential during the COVID-19 pandemic, with continued guidance provided by the South Dakota Department of Health, the Centers for Disease Control and the South Dakota Department of Education.

#### RATIONALE

During the COVID-19 pandemic, decisions are best made at the local level for the students and staff in each school district, including those dealing with the method of instruction that best meets the needs of students and can be delivered by staff. The local school district needs guidance as to how to deal with issues, but does not need mandates from either the state or federal level.

ADOPTED: 2020

### **14. SCHOOL ADMISSION IMMUNIZATION EXEMPTION (PROPOSED ADOPTION)**

#### RESOLUTION

ASBSD opposes expansion of the immunization exemptions for students for school admission beyond what is currently permitted in state law.

#### RATIONALE

The current immunization exemptions for students for school admission in school law provide sufficient personal rights and protection to families and students who fall within those criteria, as well as a safe environment for fellow students and school staff. Expansion of these exemptions would endanger the health of students and staff and the safe environment provided within the school.

ADOPTED: 2021

## **B. Local Governance**

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### **15. STATE OPERATED WEBSITE FOR NOTICES OR MEETING INFORMATION POSTING (PROPOSED ADOPTION)**

#### RESOLUTION

ASBSD supports a website hosted and operated by the state of South Dakota on which local governments could post any required notices or meeting information, in lieu of all posting requirements in current state law.

#### RATIONALE

A state run website, replacing the current posting requirements in state law, would provide a centrally located platform for local governments to post notices and meeting information, save public funds currently needed to pay for posting requirements and provide South Dakota residents with an easily accessible location to stay-up-to-date on the actions of their local government bodies.

ADOPTED: 2021

## **C. School Finance**

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### **1. 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

### **2. 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

The provision in 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

REVISED: 2019

### **3. CAPITAL OUTLAY ADJUSTMENTS**

#### RESOLUTION

ASBSD supports legislation amending the \$3,400 cap on Capital Outlay funds in SDCL 3-16-7.2 and setting the maximum limits in SDCL 13-16-7, to allow a school district to levy up to \$3 per \$1,000 of valuation.

#### RATIONALE

Since the implementation of the Capital Outlay growth caps, schools have experienced growing pressure on the Capital Outlay fund. Amending the additional \$3,400 cap on the fund and allowing school districts to levy up to the \$3 per \$1,000 of valuation would help minimize the pressure.

ADOPTED: 2018

REVISED: 2020

## **C. School Finance**

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### **4. GENERAL OBLIGATION BOND ELECTION**

#### 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

### **5. PROPERTY TAX EXEMPTION FOR ~~ALTERNATIVE INSTRUCTION~~ HOME SCHOOL INSTRUCTION (PROPOSED AMENDMENT)**

#### RESOLUTION

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

#### RATIONALE

Exempting specific taxpayers 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~~ home school 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

REVISED: 2021

## **C. School Finance**

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### **6. MAINTAINING THE STATE AID INFLATION FACTOR (PROPOSED AMENDMENT)**

#### RESOLUTION

ASBSD supports adherence to the State Aid inflationary index factor defined in SDCL 13-13-10.1, which requires school districts to annually receive an increase in state aid ~~of 3 percent or inflation, whichever is less.~~ The Governor and the Legislature have a constitutional obligation to maintain a state education funding system that provides for public schools to deliver a high-quality education and competitively compensate district employees.

#### RATIONALE

Appropriating funds for public schools is a constitutional requirement of South Dakota under Article 8, section 1, and must be a state budget priority. The inflationary index factor is critical to schools in order for them to maintain a consistent revenue source and without an inflationary factor, schools would not be able to withstand the inflationary increases of salaries, and operational expenses of schools and thus not meet the standard of education expected. In addition, schools are required by state law to meet accountability rules to maintain teacher salaries. Without the inflationary index schools could not meet those state mandated requirements.

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 within school districts to:

- a. provide salary increases to teachers, as well as maintain salaries for all personnel, and remain competitive in regional teacher salaries to attract and retain our best teachers.
- b. meet inflationary increases in the operation of the schools;
- c. maintain safety and health related services;
- d. provide current technology and instructional materials.

ADOPTED: 2018

REVISED: 2021

## **C. School Finance**

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### **7. ACCOUNTABILITY WAIVERS (PROPOSED AMENDMENT)**

#### 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. In a fiscal year where school districts are not provided the statutorily required increase in state aid, ~~all waivers from~~ accountability requirements should be ~~waived~~ considered.

#### 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

REVISED: 2021

### **8. PROTECTING SCHOOL DISTRICT VALUATIONS**

#### RESOLUTION

ASBSD opposes legislation that would reduce any property valuations without the inclusion of a hold harmless clause for school districts.

#### RATIONALE

ASBSD believes protecting property valuations to support school funding must be a priority in South Dakota. Any legislation that significantly reduces property valuations without a hold harmless for schools would have a drastic negative effect on school finance.

ADOPTED: 2019

### **~~9. ADDITIONAL FUNDING DURING COVID-19 PANDEMIC (PROPOSED DELETION)~~**

*Reason for Deletion: Additional federal funding has been provided to school districts to assist in covering COVID-19 related expenses.*

#### ~~RESOLUTION~~

~~ASBSD supports additional state and federal funding for school districts due to unforeseen and continued expenses incurred during the COVID-19 pandemic.~~

#### ~~RATIONALE~~

~~There are many new one time and on-going expenses that school districts are incurring during the COVID-19 pandemic in order to continue to provide high-quality education. These expenses are related to added staff needs for both certified and classified employees and multiple expendable items such as PPE, cleaning products, barriers and other items. Current budgets are being stretched and will need additional dollars to maintain a safe environment for students to learn in.~~

~~ADOPTED:~~ 2020

~~REVISED:~~ 2021

## C. School Finance

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### **10. STATE AID INFLATION FACTOR OF THREE PERCENT OR GREATER (PROPOSED DELETION)**

*Reason for Deletion: The amendment made in C6 implies an increase in state aid must be provided annually.*

#### RESOLUTION

~~ASBSD supports increasing the State Aid Inflation Factor to three percent or inflation, whichever is greater, but not to exceed the increase in the general fund budget.~~

#### 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.~~

~~The key here is that the State should increase the target teacher salary by the amount they expect the average teacher salary to increase. Until the FY11 freeze and the 8.6 percent cut schools received in FY12, the average increase in the per-pupil formula (2.7%) was almost identical to the increase in the average teacher salary (2.8%). After the cut and before the ½ cent sales tax, the average increases (going back to FY98) were 1.9 percent compared to 2.3 percent. After the FY17 increases including mandatory increases in teacher salary, the new averages dating back to FY98 are 2.3 percent and 2.8 percent. For comparison, over that same period the average salary and benefit cost per State Employee FTE is 4 percent.~~

~~Over 80 percent of school general fund expenditures are salaries and benefits while over 80 percent of their non-federal revenue is derived from the State Aid Formula. If the State wants to increase teacher salaries X% per year it should increase the per-pupil allocation by that amount. For the first 12 or 13 years of the formula the two tracked almost perfectly—the deviation happened (to the benefit of the average teacher salary and the detriment of everything else schools pay for) with the severe cut in 2012 and the restoration of that cut via the ½ cent sales tax in FY17 that included mandatory salary increases. If it costs the state 4 percent per year to employ its workforce, the state should expect roughly the same costs for school districts. An increase of the greater of three percent or inflation will at least allow schools to come closer to keeping their salaries up with the State and other employers and school districts in the region.~~

ADOPTED: 2020

REVISED: 2021

### **11. FALL ENROLLMENT CALCULATION GREATER OF 2019 OR 2020 (PROPOSED DELETION)**

*Reason for Deletion: Addressed in the one-time money provided to schools during the 2021 session.*

#### RESOLUTION

~~ASBSD supports the Legislature amending the FY21 General State Aid Local Need calculation by using the greater of the 2019 or 2020 fall enrollment for each school district.~~

#### RATIONALE

~~The uncertainty of the global pandemic caused many school districts to have wildly fluctuating enrollment from the fall of 2019 to the fall of 2020. School boards had no way to accurately determine what that drop might be so staffing and other budgetary adjustments could not reasonably be made to respond to the lower enrollments. Allowing schools to use the higher enrollment would fund schools closer to their actual staffing levels rather than at a level based on a completely unpredictable decline in students due to no fault of the Districts.~~

ADOPTED: 2020

REVISED: 2021

## **C. School Finance**

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### **12. FUNDING FOR PARTICIPATION OF HOMESCHOOL STUDENTS IN PUBLIC SCHOOL DISTRICT INTERSCHOLASTIC ACTIVITIES (PROPOSED ADOPTION)**

#### **RESOLUTION**

ASBSD supports state funding for public school districts for each homeschool student who participates in any activity.

#### **RATIONALE**

Senate Bill 177, which was passed during the 2021 legislative session, removed the local school board's decision making on the participation eligibility of homeschool students in local activities. The requirement will increase student participation in interscholastic activities, as defined by the South Dakota High School Activities Association, and impose an unfunded mandate for the 2021-22 school year. Public school districts are not compensated for homeschool students not enrolled in the district and to avoid the costs associated with an increase in student participation continuing to compound, additional state funding should be provided.

ADOPTED: 2021

### **13. IMPLEMENTATION OF NEW TARGET TEACHER SALARY ACCOUNTABILITY TARGETS (PROPOSED ADOPTION)**

#### **RESOLUTION**

ASBSD supports the implementation of new target teacher salary accountability targets only if new, ongoing funding, beyond the annual increase in state aid that schools receive, is provided.

#### **RATIONALE**

Public school boards support increasing teacher salaries in order to recruit and retain the quality staff members charged with educating our students on a day-to-day basis. To increase those salaries, school districts need a new, ongoing funding source, beyond what is provided in state aid, which is used cover not only teacher salaries, but also administrator and other staff wages and a variety of other costs within their budgets. Should new target teacher salary accountability targets exceeding what districts receive in state aid be set, school boards will be unable to meet those targets or be forced into budget cuts in order to reach them. An additional, on-going funding commitment would need to be made in order for new target teacher salary targets to be met.

ADOPTED: 2021

## **D. Taxation**

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### **1. COMMITMENT TO THE HALF PENNY SALES TAX RATIO**

#### 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

### **2. SCHOOL FUNDING – PARTRIDGE AMENDMENT**

#### RESOLUTION

ASBSD supports legislation giving the legislature the authority to decide whether or not to reduce the state's sales tax rate by one-tenth of a percent should the revenue collected from the remote seller's tax – the tax collected by the state on Internet sales – exceed the previous calendar year's revenue collection from the tax by \$20 million.

#### RATIONALE

Revenue collections must be suitable in order for the state to meet its financial obligations, such as providing the statutorily required increase in state aid to education. The legislature, as the government stewards of the state budget, should be allowed the latitude to decide if lowering the state's sales tax rate is feasible based on whether or not revenue collections, as a whole, will meet the state's financial obligations to public education.

ADOPTED: 2019

### **3. AMENDMENT A TAX REVENUE FOR PUBLIC SCHOOLS (PROPOSED ADOPTION)**

#### RESOLUTION

ASBSD supports the receipt of tax revenue to public schools from the sale of marijuana, which was legalized by the passage of Constitutional Amendment A.

#### RATIONALE

Constitutional Amendment A, which was passed by a majority of voters in 2020 election, included a provision calling for the distribution of 50 percent of the remaining revenue collected from the excise tax imposed on the sale of marijuana be distributed to public schools after the regulatory costs for the state have been covered. The additional revenue would benefit public schools by allowing them maintain education programs, pay teachers and administrators a competitive wage, continue to provide a high-quality education to their students or to be utilized in manner benefitting the district, as it sees fit.

ADOPTED: 2021

## **E. Personnel**

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### **1. 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 DELTION)~~**

*Reason for Deletion: Unlikely the current administration will divert federal funds to support an expansion of school choice.*

#### RESOLUTION

~~ASBSD opposes the repurposing of federal funds in order to expand non-public school choice options.~~

#### RATIONALE

~~The repurposing of federal funds to expand non-public school choice options 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: 2021