

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

758W0197

## HOUSE BILL NO. 1092

Introduced by: Representatives Holmes, Deutsch, Kirschman, Rozum, Wiik, Willadsen, and Zikmund and Senator Greenfield (Brock)

1 FOR AN ACT ENTITLED, An Act to establish the rural school teacher recruitment assistance  
2 program, and to make an appropriation to the education enhancement trust fund to provide  
3 for the annual funding of the program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. There is hereby established the rural school teacher recruitment assistance  
6 program. The purpose of the program is to encourage persons currently working as  
7 paraprofessionals in rural school districts in the state to earn a baccalaureate degree in education  
8 and to teach in the school districts they currently serve. For purposes of this Act, a  
9 paraprofessional is a noncertified instructional staff person who does not hold the position of  
10 teacher, but who assists in a school under the guidance of a teacher.

11 Section 2. The rural school teacher recruitment assistance program shall be administered by  
12 the Board of Regents. From among those paraprofessionals recommended for participation in  
13 the program by school administrators in qualifying school districts, the Board of Regents shall  
14 select no more than forty eligible persons for participation in the program.

15 Section 3. In order to be eligible for the rural school teacher recruitment assistance program,



1 a person shall:

- 2 (1) Be employed as a paraprofessional in a qualifying school district;
- 3 (2) Be recommended for the program by a school administrator in a qualifying school  
4 district;
- 5 (3) Enroll in an accredited public or nonpublic postsecondary institution located in South  
6 Dakota which participates in the program and offers a baccalaureate degree in  
7 elementary or secondary education, and be accepted into an elementary or secondary  
8 education program;
- 9 (4) Agree, in writing, to teach, for a period of at least five years, in an elementary or  
10 secondary school in a qualifying school district; and
- 11 (5) Agree, through a promissory note, that failure to abide by the provisions of  
12 subdivision (4) will result in any tuition assistance the person received being  
13 converted into an interest bearing loan.

14 Section 4. A qualifying school district is any school district in this state that:

- 15 (1) In the previous school fiscal year had a fall enrollment of six hundred or less; and
- 16 (2) In the previous school fiscal year had at least one teacher vacancy that the school  
17 district was unable to fill.

18 Section 5. A person is eligible to participate in the rural school teacher recruitment  
19 assistance program for four academic years or until the attainment of a baccalaureate degree in  
20 elementary or secondary education, whichever comes first. The amount of annual tuition  
21 assistance that an eligible person may receive shall equal the tuition and generally applicable  
22 fees, as of July 1, 2015, for thirty credit hours at a public postsecondary institution. If, in any  
23 year, the total funds available to fund the rural school teacher assistance program are insufficient  
24 to permit each eligible person to receive the full amount provided in this section, the available

1 moneys shall be prorated and distributed to each eligible person in proportion to the entitlement  
2 contemplated by this section. The total amount of the tuition assistance may not exceed the  
3 amount stipulated in this section.

4 One-half of the annual tuition assistance shall be paid to public postsecondary institutions  
5 on behalf of eligible students there enrolled or directly to eligible students enrolled at nonpublic  
6 postsecondary institutions at the beginning of the fall semester, and the other half shall be paid  
7 at the beginning of the spring semester.

8 Section 6. In order to maintain eligibility for the rural school teacher recruitment assistance  
9 program, an eligible person shall:

- 10 (1) Maintain a cumulative 2.8 grade point average on a 4.0 scale. The person shall  
11 complete consecutive fall and spring terms in order to remain eligible for  
12 continuation in the program from term to term;
- 13 (2) Make satisfactory academic progress toward a degree by earning thirty credit hours  
14 per year;
- 15 (3) Attend and graduate from a participating South Dakota postsecondary institution  
16 with an elementary or secondary education degree which qualifies the person to  
17 teach; and
- 18 (4) Upon graduation, teach, for a period of at least five years, in a qualifying school  
19 district.

20 If factors beyond the control of a person participating in the rural school teacher recruitment  
21 assistance program prevent the person from meeting any of the requirements in subdivisions (1)  
22 to (3), inclusive, a program administrator may temporarily waive the requirements of those  
23 subdivisions. However, a program administrator may terminate an eligible person's participation  
24 in the program if the person does not maintain eligibility as prescribed in those subdivisions.

1        If an eligible person fails to fulfill the requirement in subdivision (4), any tuition assistance  
2        the person has received pursuant to this Act shall be converted into an interest bearing loan. The  
3        five years of teaching referenced in subdivision (4) shall be fulfilled consecutively unless a  
4        program administrator waives this requirement for good cause.

5        Section 7. There is hereby appropriated from the general fund the sum of one million five  
6        hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, to the  
7        education enhancement trust fund created pursuant to S.D. Const., Art. XII, § 6 to allow funds  
8        to be invested to fund the rural teacher recruitment assistance program created in this Act.

9        Section 8. The state treasurer shall approve vouchers and the state auditor shall draw  
10       warrants to pay expenditures authorized by this Act.

11       Section 9. That § 4-5-29.2 be amended to read as follows:

12       4-5-29.2. Pursuant to S.D. Const., Art. XII, § 6, the state investment officer shall determine  
13       the market value of the education enhancement trust fund as of December 31, 2003, and each  
14       calendar year thereafter less the investment expenses transferred pursuant to § 4-5-30. The state  
15       investment officer shall calculate an amount equal to four percent of that market value, without  
16       invading principal, as eligible for distribution. For the purpose of this section, the term,  
17       principal, means the sum of all contributions to the fund. Beginning with the distribution in  
18       fiscal year 2008, the market value shall be determined by adding the market value of the trust  
19       fund at the end of the sixteen most recent calendar quarters as of December thirty-first, and  
20       dividing the sum by sixteen. Upon notice of that amount by the state investment officer, the state  
21       treasurer shall transfer the amount from the education enhancement trust fund to the state  
22       general fund as soon as practicable after July first of the next fiscal year. Beginning in fiscal year  
23       2015, the portion of the transfer to the general fund for the need-based matching program, shall  
24       be calculated by the state investment officer based on the relative share of the contributions

1 made to the need-based grant fund created pursuant to § 13-55A-14 to the most recently  
2 calculated total fair value of the education enhancement fund including the contribution. The  
3 calculation shall be updated monthly to reflect any additional contributions to the education  
4 enhancement trust fund and the portion of the transfer to the general fund for the need-based  
5 matching program shall be based on the average of the monthly calculation.

6 Beginning in fiscal year 2015, a portion of the funds annually distributed to the general fund  
7 pursuant to this section representing the percentage of the appropriation in SL 2013, ch 91, § 9,  
8 when deposited, to the total fair value of the education enhancement fund applied to the  
9 distribution amount shall be used to fund the critical teaching needs scholarship program created  
10 in §§ 13-55-64 to 13-55-71, inclusive.

11 Beginning in fiscal year 2017, a portion of the funds annually distributed to the general fund  
12 pursuant to this section representing the percentage of the appropriation in section 7 of this Act,  
13 when deposited, to the total fair value of the education enhancement trust fund applied to the  
14 distribution amount shall be used to fund the rural teacher recruitment assistance program  
15 created in this Act.