

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

550D0557

## SENATE BILL NO. 115

Introduced by: Senators Everist, Brosz, Halverson, Ham, Madden, Paisley, Rounds, Shoener,  
and Whiting and Representatives Richter, Brown (Jarvis), Crisp, Garnos, Hunt,  
Jaspers, Konold, Peterson, Putnam, and Smidt

1 FOR AN ACT ENTITLED, An Act to establish a teacher merit pay program and to make an  
2 appropriation therefor.

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

4 Section 1. A merit pay program for teachers in South Dakota's public school districts is  
5 hereby established. No more than twenty-five percent of the teachers in a school district may  
6 qualify for merit pay as provided for in this Act. The merit pay shall consist of a payment of one  
7 thousand five hundred dollars to each teacher selected for merit pay.

8 Section 2. The Board of Education shall promulgate rules pursuant to chapter 1-26 to specify  
9 criteria for the annual selection of teachers to qualify for merit pay as provided for in this Act.  
10 The rules may include evaluation of teachers by school district administrators, teachers, parents,  
11 and students; attainment of national certification; innovative curriculum; and mentoring. No rules  
12 may provide for student test scores to be used to select teachers eligible for merit pay. The rules  
13 may not provide that the eligibility of a teacher to receive merit is affected by previous merit pay  
14 eligibility.

15 Section 3. The Department of Education and Cultural Affairs shall issue a warrant in the  
16 amount of one thousand five hundred dollars to each teacher selected to receive merit pay.

1 Section 4. A teacher who accepts a warrant for merit pay shall continue to teach in the same  
2 school district for at least two years after the receipt of merit pay. Unless an exemption is granted  
3 by the Board of Education, if a teacher fails to teach in the same school district for at least two  
4 years after the receipt of merit pay, the teacher shall repay a pro rata share of the merit pay based  
5 upon the amount of time the teacher had continued to teach in the school district after the receipt  
6 of merit pay.

7 Section 5. There is hereby appropriated from the general fund the sum of three million dollars  
8 (\$3,000,000), or so much thereof as may be necessary, to the Department of Education and  
9 Cultural Affairs to make payments for merit pay as provided for in this Act.

10 Section 6. The secretary of the Department of Education and Cultural Affairs shall approve  
11 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

12 Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by  
13 June 30, 2001, shall revert in accordance with § 4-8-21.

14 Section 8. The Department of Education and Cultural Affairs may promulgate rules pursuant  
15 to chapter 1-26 to provide for the method of application by teachers for merit pay and the  
16 method of distribution of merit pay.