

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

770I0707

## HOUSE ENGROSSED NO. **HB 1191** - 02/22/2003

Introduced by: Representative McCaulley and Senator Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to reward certain eligible teachers for performance.

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

3 Section 1. The Legislature finds that, in order to provide the state's children with the best  
4 educational opportunities possible, it is in the state's best interest to reward teachers who  
5 demonstrate outstanding performance in the classroom, in addition to relying on a traditional  
6 method of compensation based on education and experience.

7 Section 2. The Department of Education and Cultural Affairs shall administer a program to  
8 reward certain eligible teachers in qualified school districts for performance by means of a  
9 performance bonus of not more than six thousand dollars per year, but not less than one  
10 thousand dollars per year.

11 Section 3. The Department of Education and Cultural Affairs may allocate only those funds  
12 available in the outstanding teacher reward fund to each qualified school district according to its  
13 relative portion of the total average daily membership as defined in § 13-13-10.1. Any qualified  
14 school district may access a portion of the funds for the program if the school district implements  
15 a plan to reward teachers who demonstrate excellence and mastery in their profession.

16 Section 4. If a qualified school district identifies a teacher who has demonstrated excellence



1 and mastery in the current school year, the qualified school district shall provide a written  
2 recommendation and substantiation, along with the specific amount of the bonus to be paid, to  
3 the Department of Education and Cultural Affairs after April first but before May first. The  
4 qualified school district may reward individual eligible teachers, a team of eligible teachers, or  
5 a group of eligible teachers on a school-wide basis. The qualified school district is limited to  
6 requesting bonuses in an amount not to exceed the amount allocated for such school district.

7 Section 5. For purposes of this Act, an eligible teacher must:

- 8 (1) Exhibit excellence and mastery in both a subject area and teaching methods;
- 9 (2) Demonstrate improved student performance based on multiple criteria; and
- 10 (3) Comply with the plan developed by the qualified school district.

11 Section 6. For purposes of this Act, a qualified school district is one that meets the following  
12 criteria:

- 13 (1) All the teachers in the school district are evaluated on at least an annual basis;
- 14 (2) The school board approves a plan to reward eligible teachers that is based on  
15 measured criteria and developed by members of the community, administrators,  
16 school board members, and teachers;
- 17 (3) The school district identifies a panel of individuals designated to select the eligible  
18 teachers who will receive a reward. The panel shall include a teacher, an  
19 administrator, a school board member, a student, a parent, and a member of the  
20 business community;
- 21 (4) The school district rewards selected teachers on a discretionary basis according to the  
22 plan and does not use funds from the program to reward all teachers in the school  
23 district; and
- 24 (5) The school district rewards selected teachers without a reduction or offset in their

1           regular salaries.

2           Section 7. Each participating school district shall annually submit a plan to the Department  
3 of Education and Cultural Affairs by September first. The department shall approve or  
4 disapprove the plan based on the criteria in section 6 of this Act. By October first, the  
5 department shall notify each school district of the status of the school district's plan and the  
6 amount of funds available for this program per qualifying school district.

7           Section 8. There is hereby created in the state treasury the South Dakota outstanding teacher  
8 reward fund into which shall be deposited any private donations, grants, federal funds,  
9 appropriations, and any other funds provided to the Department of Education and Cultural  
10 Affairs for the purpose of rewarding outstanding teachers. Any interest earned on the money in  
11 the fund shall be deposited in the fund.

12           Section 9. Beginning with the 2003-2004 school year, the Department of Education and  
13 Cultural Affairs shall establish a pilot program for up to seventeen qualified school districts. The  
14 department shall make the final determination as to which qualified school districts will be able  
15 to participate in the pilot program based upon the amount of funding available from year to year.