

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

770I0707

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB 1191** - 02/20/2003

Introduced by: Representative McCaulley and Senator Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to reward certain eligible teachers for performance and to
2 make an appropriation therefor.

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

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

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

12 Section 3. The Department of Education and Cultural Affairs may allocate only those funds
13 appropriated by the Legislature for the purposes of this Act to each qualified school district
14 according to its relative portion of the total average daily membership as defined in § 13-13-10.1.
15 Any qualified school district may access a portion of the funds for the program if the school



1 district implements a plan to reward teachers who demonstrate excellence and mastery in their
2 profession. All moneys allocated for school districts that are not qualified school districts shall
3 be redistributed to the qualified school districts on an average daily membership basis.

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

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

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

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

- 17 (1) All the teachers in the school district are evaluated on at least an annual basis;
- 18 (2) The school board approves a plan to reward eligible teachers that is based on
19 measured criteria and developed by members of the community, administrators,
20 school board members, and teachers;
- 21 (3) The school district identifies a panel of individuals designated to select the eligible
22 teachers who will receive a reward. The panel shall include a teacher, an
23 administrator, a school board member, a student, a parent, and a member of the
24 business community;

1 (4) The school district rewards selected teachers on a discretionary basis according to the
2 plan and does not use funds from the program to reward all teachers in the school
3 district; and

4 (5) The school district rewards selected teachers without a reduction or offset in their
5 regular salaries.

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

11 Section 8. There is hereby appropriated from the general fund the sum of one million dollars
12 (\$1,000,000), or so much thereof as may be necessary, to the Department of Education and
13 Cultural Affairs to establish for the 2003-2004 school year a pilot program for ten to fifteen
14 school districts. The department shall make the final determination as to which school districts
15 will be able to participate in the pilot program.

16 Section 9. The secretary of the Department of Education and Cultural Affairs shall approve
17 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.