

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

677J0278

## HOUSE BILL NO. 1246

Introduced by: Representatives LaRue, Dykstra, Heineman, Juhnke, McCaulley, and McCoy  
and Senators Dempster, Bogue, Duxbury, Kleven, Olson (Ed), and Sutton  
(Duane)

1 FOR AN ACT ENTITLED, An Act to create the Experimental Teacher Recruitment Grant  
2 Program and to make an appropriation therefor.

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

4 Section 1. There is hereby created the Experimental Teacher Recruitment Grant Program  
5 within the Department of Education.

6 Section 2. There is hereby appropriated from the general fund, after the transfer of earnings  
7 from the education enhancement trust fund created in Article XII, section 6 of the South Dakota  
8 Constitution, pursuant to § 4-5-29.2, the sum of six hundred thousand dollars (\$600,000), or so  
9 much thereof that may be necessary, to the Department of Education for allocation to school  
10 districts to provide funding for the grants provided pursuant to this Act.

11 Section 3. The department shall provide Experimental Teacher Recruitment Grants in  
12 amounts up to ten thousand dollars per year for up to three years to a maximum of twenty  
13 eligible school districts. A grant provided under the provisions of this Act may be in an amount  
14 less than ten thousand dollars per year if the secretary of education determines that a lesser grant  
15 is adequate to attract qualified applicants to a particular teacher vacancy.



1 Section 4. For the purposes of this Act, an eligible school district is a school district that the  
2 Department of Education determines to have at least one of the following:

3 (1) The school district has at least one teacher vacancy in a subject area of critical need  
4 that the district has been unable to fill due to the certification requirements necessary  
5 to fill the vacancy; or

6 (2) The school district has at least one teacher vacancy in a core subject area that the  
7 district has been unable to fill due to the sparse population of the area where the  
8 vacancy is located; or

9 (3) The school district has at least one teacher vacancy that it has been unable to fill, and  
10 it is a vacancy the district needs to fill to maintain the required level of educational  
11 quality for the students of the district.

12 Section 5. Any eligible school district that receives a grant under the provisions of this Act  
13 shall pay the funds received to the teacher who is hired to fill the vacancy in three payments.  
14 A receiving school district may establish a grant period of three years and provide the grant  
15 payments to the teacher for three consecutive years or, if approved by the secretary of education,  
16 a school district may establish a longer grant period and provide the grant payments over a  
17 longer period of time not to exceed five years. The grant payments are in addition to the  
18 teacher's regular salary as documented in the school district's salary policy that is in effect at the  
19 time the vacancy occurs. No school district may use a grant payment to reduce or offset the  
20 regular salary of the teacher.

21 Section 6. Any teacher who accepts a teaching position under this program, but who resigns  
22 from the teaching position or is terminated from the position for cause before the end of the  
23 established grant period, shall reimburse the receiving school district for the grant payments  
24 received. However, any teacher who accepts a teaching position under this program and is

1 subsequently terminated for nondisciplinary reasons prior to the end of the established grant  
2 period is not obligated to reimburse the school district for the grant payments received.

3 Section 7. In order to be considered for a Experimental Teacher Recruitment Grant, a school  
4 district shall apply to the Department of Education and provide written documentation of any  
5 such teacher vacancy that exists within the district, the certification requirements a teacher must  
6 possess to fill the vacancy, the length of time the vacancy has existed, and the search process  
7 that the district has undertaken to fill the vacancy.

8 Section 8. At the discretion of the secretary of education, any teacher who accepts a teaching  
9 position under the program authorized by this Act may be required to teach students in more  
10 than one school district through distance learning, through a cooperative educational service  
11 unit, or through a sharing agreement between the hiring school district and one or more  
12 additional school districts.

13 Section 9. The Department of Education shall promulgate rules pursuant to chapter 1-26 to  
14 establish program eligibility, application procedures, and criteria for identifying subject areas  
15 of critical need and selecting grant recipients from among the school districts that apply.

16 Section 10. Beginning in 2005, the Department of Education shall, for three consecutive  
17 years, annually report to the Legislature on the impact that the Experimental Teacher  
18 Recruitment Grant Program has had on participating school districts' ability to fill teacher  
19 vacancies, and in particular, on the need for those school districts to fill vacancies with teachers  
20 who are given temporary certification to fill the requirements of the positions under an authority  
21 to act established in ARSD 24:02:02:02:02.

22 Section 11. This Act is effective on June 20, 2004.