

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

299P0490

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1124** - 2/13/2008

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Rhoden, Brunner, Deadrick, Dykstra, Faehn, Heineman, Krebs, McLaughlin, Rave, and Turbiville

1 FOR AN ACT ENTITLED, An Act to establish a classification system, an evaluation system,  
2 and minimum annual salaries for certified teachers and school service specialists, and to  
3 revise certain provisions relating to teacher tenure.

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

5 Section 1. There is hereby established a three-level classification system for certified  
6 teachers and school service specialists that provides for a minimum annual salary for each  
7 certified teacher or school service specialist within each level and requires a teacher or school  
8 service specialist to demonstrate increased competency and professional growth in order to  
9 progress from one level to the next within the system. For the purposes of this Act, a school  
10 service specialist is a school counselor, school library media education specialist, school  
11 psychologist, speech/language pathologist, school social worker, special education director, or  
12 curriculum director.

13 Section 2. For the purposes of this Act, on July 1, 2009, any certified teacher with less than  
14 three years of teaching experience or any school service specialist with less than three years of



1 experience providing direct services to students is classified at Level I, and any certified teacher  
2 with three or more years of teaching experience or any school service specialist with three or  
3 more years of experience providing direct services to students is classified at Level II.

4 On July 1, 2010, any certified teacher or school service specialist classified at Level II shall  
5 receive a salary increase of one thousand dollars above the salary the teacher or school service  
6 specialist would have otherwise received for the current school fiscal year.

7 On July 1, 2011, any certified teacher with six or more years of teaching experience who  
8 meets the qualifications in subdivisions (1) and (3) of section 6 of this Act is classified at Level  
9 III, and shall receive a salary increase of four thousand dollars above the salary the teacher  
10 would have otherwise received for the current school fiscal year. On July 1, 2011, any school  
11 service specialist with six or more years of experience providing direct services to students who  
12 meets the qualifications in subdivisions (1) and (3) of section 8 of this Act is classified at Level  
13 III, and shall receive a salary increase of four thousand dollars above the salary the school  
14 service specialist would have otherwise received for the current school fiscal year.

15 Section 3. The minimum annual salary for any teacher or school service specialist at Level  
16 I is as follows:

- 17 (1) For school fiscal year 2011, the minimum annual salary is thirty thousand dollars;
- 18 and
- 19 (2) For school fiscal year 2012 and thereafter, the minimum annual salary is the previous  
20 school fiscal year's minimum annual salary increased by the index factor as defined  
21 in subdivision 13-13-10.1(3).

22 Any teacher or school service specialist who progresses from Level I to Level II shall receive  
23 a salary increase of one thousand dollars above the salary the teacher or school service specialist  
24 would have otherwise received for the current school fiscal year. Any teacher or school service

1 specialist who progresses from Level II to Level III shall receive a salary increase of four  
2 thousand dollars above the salary the teacher or school service specialist would have otherwise  
3 received for the current school fiscal year.

4 Section 4. In order to advance from Level I to Level II, a teacher shall:

- 5 (1) Complete a mentoring or induction program approved by the Department of  
6 Education;
- 7 (2) Demonstrate competency, as determined by an administrator trained pursuant to  
8 section 13 of this Act, in professional growth and classroom achievement through  
9 the annual evaluation process required in section 10 of this Act. Classroom  
10 achievement may be measured using standardized achievement tests, classroom  
11 exams, observations of student/teacher interactions, and other assessments;
- 12 (3) Complete three years of teaching at Level I; and
- 13 (4) Demonstrate the increased competency required for Level II by passing an  
14 assessment approved by the Department of Education that measures the skills of  
15 beginning teachers in a classroom setting.

16 When a teacher has completed the requirements established in this section, the local school  
17 board shall submit documentation of that completion to the Department of Education. The  
18 Department of Education shall then review the documentation and issue a certificate to any  
19 teacher that the secretary of education determines has successfully completed the requirements  
20 necessary to advance from Level I to Level II.

21 Section 5. At Level II, a teacher shall:

- 22 (1) Submit a professional development plan and complete the hours of coursework  
23 necessary to maintain teacher certification pursuant to § 13-42-3; and
- 24 (2) Demonstrate competency, as determined by an administrator trained pursuant to

1 section 13 of this Act, in professional growth and classroom achievement through the  
2 annual evaluation process required in section 10 of this Act. Classroom achievement  
3 may be measured using standardized achievement tests, classroom exams,  
4 observations of student/teacher interactions, and other assessments.

5 Section 6. Once a teacher progresses to Level II, the teacher may remain at that level or  
6 progress to Level III. In order to progress to Level III, a teacher shall:

- 7 (1) Earn an advanced degree including a master's, specialist's, or doctorate or obtain a  
8 national certification as approved by the Board of Education based on the criteria  
9 established pursuant to section 15 of this Act;
- 10 (2) Complete at least three years of teaching at Level II; and
- 11 (3) Demonstrate competency, as determined by an administrator trained pursuant to  
12 section 13 of this Act, in professional growth and classroom achievement through the  
13 annual evaluation process required in section 10 of this Act. Classroom achievement  
14 may be measured using standardized achievement tests, classroom exams,  
15 observations of student/teacher interactions, and other assessments.

16 When a teacher has completed the requirements established in this section, the local school  
17 board shall submit documentation of that completion to the Department of Education. The  
18 Department of Education shall then review the documentation and issue a certificate to any  
19 teacher that the secretary of education determines has successfully completed the requirements  
20 necessary to advance from Level II to Level III.

21 Section 7. In order to advance from Level I to Level II, a school service specialist shall:

- 22 (1) Complete a mentoring or induction program approved by the Department of  
23 Education; and
- 24 (2) Demonstrate competency, as determined by an administrator trained pursuant to

1 section 13 of this Act, through the annual evaluation process required in section 12  
2 of this Act.

3 When a school service specialist has completed the requirements established in this section,  
4 the local school board shall submit documentation of that completion to the Department of  
5 Education. The Department of Education shall then review the documentation and issue a  
6 certificate to any school service specialist that the secretary of education determines has  
7 successfully completed the requirements necessary to advance from Level I to Level II.

8 Section 8. Once a school service specialist progresses to Level II, the school service  
9 specialist may remain at that level or progress to Level III. In order to progress to Level III, a  
10 school service specialist shall:

- 11 (1) Earn an advanced degree including a master's, specialist's, or doctorate or obtain a  
12 national certification as approved by the Board of Education based on the criteria  
13 established pursuant to section 15 of this Act;
- 14 (2) Complete at least three years of providing direct services to students at Level II; and
- 15 (3) Demonstrate competency, as determined by an administrator trained pursuant to  
16 section 13 of this Act, through the annual evaluation process required in section 12  
17 of this Act.

18 When a school service specialist has completed the requirements established in this section,  
19 the local school board shall submit documentation of that completion to the Department of  
20 Education. The Department of Education shall then review the documentation and issue a  
21 certificate to any school service specialist that the secretary of education determines has  
22 successfully completed the requirements necessary to advance from Level II to Level III.

23 Section 9. In addition to the minimum salaries established in this Act, any school district that  
24 hires a teacher or school service specialist in an area of need shall pay that teacher or school

1 service specialist a signing bonus of two thousand five hundred dollars. The secretary of  
2 education shall determine the areas of need for each school year based upon teacher or school  
3 service specialist shortages, geography, and other factors and report those areas of need to each  
4 school district.

5 Section 10. The school board of each local school district shall implement an evaluation  
6 system for the school district's certified teachers that includes observation of each certified  
7 teacher in the teacher's workplace.

8 Section 11. The certified teacher evaluation system shall:

- 9 (1) Include professional performance standards established pursuant to section 11 of this  
10 Act;
- 11 (2) Require at least two observations during each school year for the evaluation of each  
12 Level I teacher as defined in this Act;
- 13 (3) Require at least one observation during each school year for the evaluation of each  
14 Level II or Level III teacher as defined in this Act who met the school district  
15 performance standards during the previous school year; and
- 16 (4) Include an improvement plan for any certified teacher whose performance does not  
17 meet the school district's performance standards, unless the teacher's performance is  
18 just cause for termination pursuant to § 13-43-6.1.

19 Section 12. The school board of each local school district shall also implement an evaluation  
20 system for the school district's school service specialists that includes annual evaluations of all  
21 school service specialists within the district based upon the criteria established by the Board of  
22 Education pursuant to section 15 of this Act.

23 Section 13. Each school district shall, at least once a year, provide training to the certified  
24 teachers and school service specialists who are subject to the evaluation systems. The training

1 shall address the procedures of the evaluation systems, the standards that the school district uses  
2 to evaluate the performance of its certified teachers and school service specialists, and any other  
3 appropriate topics as determined by the school district. Each school district shall also provide  
4 annual training to administrators on how to conduct the evaluations required in section 10 and  
5 12 of this Act.

6 Section 14. The Department of Education shall promulgate rules pursuant to chapter 1-26  
7 establishing the criteria the department will use to approve school district mentoring and  
8 induction programs, establishing the assessment required of teachers progressing to Level II, and  
9 providing for the performance standards that school districts will use to evaluate certified  
10 teachers.

11 Section 15. The Board of Education shall promulgate rules pursuant to chapter 1-26  
12 establishing the criteria the school districts will use to evaluate school service specialists and  
13 to establish the criteria and the annual review process that the board will use to determine the  
14 national certifications that will be recognized to allow a teacher or school service specialist to  
15 progress to Level III.

16 Section 16. Beginning on July 1, 2010, any funds that a school district receives through the  
17 teacher compensation assistance program established in § 13-3-73 shall be used to fund teachers  
18 salaries according to the provisions of this Act.

19 Section 17. That § 13-43-6.1 be amended to read as follows:

20 13-43-6.1. A teacher may be terminated, by the school board, at any time for just cause,  
21 including breach of contract, poor performance, incompetency, gross immorality, unprofessional  
22 conduct, insubordination, neglect of duty, or the violation of any policy or regulation of the  
23 school district. A school district may nonrenew a teacher who is ~~in or beyond the fourth~~  
24 ~~consecutive term of employment as a teacher with the school district~~ classified at Level II or

1 Level III in the classification system established in section 1 of this Act pursuant to § 13-43-6.3  
2 for just cause, including breach of contract, poor performance, incompetency, gross immorality,  
3 unprofessional conduct, insubordination, neglect of duty, or the violation of any policy or  
4 regulation of the school district.

5 Section 18. That § 13-43-6.3 be amended to read as follows:

6 13-43-6.3. Until a teacher is ~~in or beyond the fourth consecutive term of employment as a~~  
7 ~~teacher with the school district~~ classified at Level II or Level III in the classification system  
8 established in section 1 of this Act, a school board may or may not renew the teacher's contract.  
9 The superintendent or chief executive officer shall give written notice of nonrenewal by April  
10 fifteenth but is not required to give further process or a reason for nonrenewal.

11 After a teacher is ~~in or beyond the fourth consecutive term of employment as a teacher with~~  
12 ~~the school district~~ classified at Level II or Level III in the classification system established in  
13 section 1 of this Act, §§ 13-43-6.1 and 13-43-6.2 apply to any nonrenewal of the teacher's  
14 contract. On or before April fifteenth, the superintendent or chief executive officer shall notify  
15 the teacher and the school board in writing of the recommendation to not renew the teacher's  
16 contract.

17 Acceptance by the teacher of an offer from the district to enter into a new contract with the  
18 teacher shall be in the manner specified in the offer. Failure of the teacher to accept the offer in  
19 the manner specified constitutes the termination of the existing contract between the teacher and  
20 the district at the end of its term.

21 Section 19. This Act is effective on July 1, 2009.