

Q: What is joint powers?

A: Joint powers is an agreement between two or more school districts to share resources and educate students cooperatively. The 2016 Legislature specifically addressed such cooperation between school districts by allowing students from one school district to attend school in another district through cooperation at a district level, rather than individually through open enrollment. SDCL 13-23-10 states that “a school board may establish an attendance center outside the boundaries of its school district that is within the boundaries of another school district only when both school districts have entered into a joint powers agreement pursuant to chapter 1-24.” Chapter 1-24 of codified law deals with all manner of joint exercise of governmental powers through a number of laws in that chapter, and the roots for joint powers in school districts can be found there. In 2009 the legislature established guidelines for whole grade sharing in SDCL 13-15-31.

Q: Is either district being compelled by law to take action, and what kind of timeframe is being imposed?

A: SDCL 13-6-97 establishes that once a school district’s enrollment falls below 100, that district has two years to prepare a plan for reorganization. There is no mandate or force of law at work requiring a joint powers agreement, but it is being considered as a possible alternative to reorganization.

Q: If a district’s enrollment has dropped below 100, but then rebounds above 100 before a reorganization plan is approved, does that exempt the district from the mandate of 13-6-97?

A: No. Once the fall enrollment number from the last Friday in September falls below 100, the mandate takes effect and the district must submit its plan within two years.

Q: Are there any exceptions to SDCL 13-6-97?

A: Yes. SDCL 13-6-97, which mandates that school districts with an enrollment under 100 reorganize, also provides for exceptions to the rule, including “The provisions of this section also do not apply... if any such joint powers agreement or intergovernmental cooperation agreement is approved each year before the first day of July by the secretary of education.”

Q: Once this agreement is put in place, is it permanent, or does it need to be periodically renewed?

A: The agreement must be approved annually, according to 13-6-97. See the text in the answer above. Also, in a joint powers situation that includes whole grade sharing (which is an agreement that sends an entire grade or multiple grades of students from one school district to be educated in another), the agreement must remain in effect for at least three years according to SDCL 13-15-31

Q: What kind of plan has been proposed so far?

A: The idea proposed in a letter from South Central Board President, Jason Jons, to the Burke School Board dated December 9, 2016 is for a “potential tuition agreement in which 7-12 South Central students would attend Burke.” This would be a whole grade sharing agreement as outlined in 13-15-31, which is a type of joint powers agreement and would be governed by SDCL 13-23-10 (passed in 2016) and Chapter 1-24, which addresses intergovernmental cooperation.

Q: Which grade levels will be involved?

A: While the December 9 letter addresses grades 7-12, that is really just a starting point for discussion. After some discussion it could be that 7-12 is the magic combination, or it may become apparent that more grades or fewer grades would work better for any number of reasons. That decision will ultimately be driven by which grade levels the South Central district decides to keep in their own district.

Q: Which school district is responsible for filing the plan for approval with the South Dakota Department of Education (DOE)?

A: According to SDCL 13-23-10, which was adopted in 2016, “the school district that will operate the attendance center shall submit the joint powers agreement and each school board's resolution of approval to the secretary of education.” That would mean in the scenario that has been presented for discussion that the Burke School District would submit the plan.

Q: Since a plan must be approved by the Secretary of Education, has either the DOE or the Secretary of Education given any indication of criteria for acceptance of a plan?

A: In separate conversations with both districts’ superintendents, Secretary of Education, Dr. Melody Schopp, has said that the department is looking for two conditions for an approved plan: 1) that a quality education is provided for all students, 2) that whatever the plan is, it realizes some efficiency over the status quo.

Q: How will the schools in both districts be governed?

A: The South Central School District will retain complete control over its elementary school. In a situation in which South Central sends its students to school in Burke, that school would be run by the Burke School District.

Q: How will the joint attendance center be staffed?

A: The Burke High School and Burke Middle School staff will continue to teach the courses at Burke High School and Burke Middle School. The Burke School District has an average class size of 17 students in grades 4-10 (6th through 12th grade in 2018-19). South Central has an average class size of 7.5 students in grades 4-10 (6th through 12th grade in 2018-19). The Burke Middle School and High School could absorb an additional 50-60 students without adding any staff. Based on current enrollment numbers the largest combined class size would be 29.

Q: What is the total K-12 enrollment of each district?

A: South Central’s current K-12 enrollment is 99. Burke’s current K-12 enrollment is 238.

Q: What is the annual budget of each school district?

A: The general fund budget in the Burke School District for FY17 is \$2,202,856. The general fund budget in the South Central School District for FY 17 is \$2,011,907.

Q: How would the middle school be structured, and would there be any self-contained classes at the middle school level?

A: The middle school could be structured a number of ways. Currently Burke has a self-contained 6th grade classroom, with seventh and eighth graders moving from class to class, much like the high school. South Central currently has 6-8 moving like the high school. It could go either way.

Q: Would a combined attendance center be more efficient than the two separate attendance centers as they currently operate?

A: It could be, depending on how it is managed and staffed. Currently the Burke School District’s cost per ADM is below the state average for schools under 600 enrollment, and is the lowest in the state for schools under 600 with a poverty rate greater than 50%. It stands to reason that increasing enrollment would further enhance that efficiency. The new state funding formula is based on a student to teacher ratio. That ratio is also one of the common measures of school efficiency. Making that ratio greater on the student side adds to efficiency. It will be necessary to show greater efficiency when seeking approval for a joint powers plan from the Secretary of Education.

Q: If the South Central School District is not operating a middle school or a high school, is there any chance that current South Central teachers will have jobs in Burke?

A: Maybe. The Burke School District is always looking for ways to enhance the educational experience of its students. A significant increase in enrollment would allow for greater capacity to offer more, in terms of reasonable class sizes when grades are split up for elective classes, and in terms of financial capacity. As enrollment goes up, the ability to hire more staff while maintaining efficiency is possible to a point. Wherever an expansion of staff is warranted, South Central teachers would have an opportunity to apply.

Q: If students from the South Central School District are attending school in Burke through a joint powers agreement, which district will receive the state aid for those students?

A: South Central would receive the state aid for those students. SDCL 13-13-10.1 (2A) defines fall enrollment as “the number of kindergarten through twelfth grade students enrolled in all schools operated by the school district on the last Friday of September of the current school year minus the number of students for whom the district receives tuition, except nonresident students who are in the care and custody of a state agency and are attending a public school and students for whom tuition is being paid pursuant to § 13-28-42.1, plus the number of students for whom the district pays tuition. When computing state aid to education for a school district pursuant to § 13-13-73, the secretary of the Department of Education shall use the school district's fall enrollment.”

Q: If South Central receives Impact Aid for federally connected students, would those continue to be their Impact Aid students, or would Burke receive that funding?

A: South Central would continue to count those students as their federally connected students and would continue to receive Impact Aid for them.

Q: If South Central receives the state aid and the impact aid for the students that they send to Burke, then how will the Burke School District get paid for those students, and how can the Burke School District afford to educate them?

A: The law provides for tuition payments (13-28-22, 13-28-23, 13-15-29) of students between school districts, and specifically 13-15-29 states that “any student who enrolls in another school district... for which the student's resident district contracts for services pursuant to § 13-15-1.3 or 13-15-11 remains the financial obligation of the resident district.” The law sets forth that the resident district is financially responsible for students that the district sends to another district, and the law spells out that tuition is paid. The districts involved need to agree on a tuition rate.

Q: Has a tuition rate been proposed? And if so, where does the number come from?

A: The Burke School Superintendent threw out a number of \$10,000 per student during a joint committee meeting on December 20, 2016. That number is not set in stone and was proposed as a starting point for discussion. According to South Dakota DOE data for the 2015-2016 school year the Burke School District’s cost per ADM (which is a comprehensive value of what it actually costs to educate one student for that school district including expenditures from general, capital outlay, special education and pension funds) was \$9,840. The reasoning behind the \$10,000 figure is that it is a round number, and costs have gone up since 15-16, especially considering the substantial increase in teacher pay implemented this year. Since the Burke District cannot levy any taxes in the South Central District, and the state aid that each district receives based on enrollment is designated entirely to the general fund, the only way that Burke can distribute costs from the other funds across all students is to address those costs in the tuition rate for tuitioned students. The 2015-2016 cost per ADM for the South Central School District is \$17,112.

Q: What costs would be covered by the tuition fee?

A: Essentially everything. That would be the simplest way to track it. The district that operates the attendance center would staff it, outfit it with capital assets like desks and books for all kids attending, provide for technology needs, co-curricular activities, student transportation, and even most special education expenses. That way, the tuitioning district will only need to worry about operating its own attendance center (presumably an elementary school) within its own district and paying the tuition fee for the students who attend out of district. One exception might be students requiring high cost special education services that would require hiring additional staff; those students’ disability codes typically

call for a higher amount of state funding going to the resident district, which the resident district could then forward on to the district providing the services.

Q: Why wouldn't the tuition amount be the same as the state aid amount (roughly \$5,600* per student), which is how much money the state gives to the resident school district for each student on the fall enrollment count.

A: The state aid figure goes into the general fund only and does not cover the total cost to educate a student. Given that the South Central School District will retain all of the state aid for each of the students that it tuitions out, plus impact aid based on those students as part of their fall enrollment counts, and the capital outlay and special education funds for those students, it would be a hard sell to the Burke community to educate students from outside the district at a loss, while the resident district makes a profit on those students.

Q: What will happen with the CTE consortium?

A: There has been some conversation among the consortium schools about how to deal with the possibility of the consortium going from 4 schools to 3 schools. The group has looked at a couple of solutions. One solution would be to invite another school district to join, and another solution involves a modified rotation in which one of the sites will always have 2 mobile units at a time.

Q: Will the South Central School District have to continue to employ an instructor and/or meet other financial obligations associated with the CTE Consortium?

A: No. All curricular and co-curricular expenses associated with middle level and secondary education for the grade levels involved in the joint powers agreement would be included in the tuition agreement.

Q: Will the South Central School District continue to pay 50% of expenses for activities?

A: No. If the kids in both districts attend one high school, then there would be no sports coop. Furthermore, with the tuition agreement, all educational expenses, including co-curricular activities, would be included in the tuition rate.

Q: Could the two school districts share any staff?

A: Possibly. Any staff members that are completely middle school or high school would be the responsibility of the Burke School District. For the tuition amount agreed upon, the Burke School District would have the obligation to hire and staff appropriately. In a case where a teacher is K-12 certified and serves all levels, like music, guidance, or art, that teacher could be shared between the two districts. In a case with shared staff, the staff member could be employed by either district.

Q: Who would run the school lunch program?

A: That could go a couple of different ways. There could continue to be two completely separate school lunch programs like there are now, with South Central's lunch program serving the elementary students that attend school in Bonesteel and Burke's lunch program serving all K-12 students that attend school in Burke, including those tuitioned in from South Central. Another option could involve the Burke School District running the lunch program for both districts and providing lunches in Bonesteel on a contractual basis. This is something that the two school boards could look at after the other parts of the agreement are in place.

Q: What are the next steps?

A: The two school boards should continue to talk, but ultimately the next step is up to the South Central School District. The South Central School Board needs to determine how it will ultimately deal with the mandate imposed by SDCL 13-6-97, whether it will prepare to dissolve or look at the exceptions granted by a joint powers agreement. The board will need to determine which option is best for the kids and how the community would like it to proceed.