

SOUTH DAKOTA BOARD OF REGENTS

Planning and Resource Development

AGENDA ITEM: 5 – J

DATE: May 9-11, 2017

SUBJECT: COHE Special Schools Agreement – Modification L

During the 2016 Legislative Session, a trio of bills, ([HB 1182](#), [SB 131](#), and [SD 133](#)) were introduced and signed into law, which resulted in an increase to the average target teacher salary for K-12 school districts in South Dakota. However, instructional staff at the Special Schools were inadvertently left out of these three bills, and did not see their average target teacher salary increased as a result of the passage and enactment of these bills.

During the 2017 Legislative Session, the Board advocated that the Legislature remedy this oversight and provide an increase to the average instructional staff salary at the Special Schools. As a result, the Legislature included additional funds for the Special Schools in the General Appropriations Bill for Fiscal Year 2018 ([SB 178](#)), which was signed into law.

Since the passage of SB 178, Superintendent Kaiser, BOR staff, and COHE have discussed how to distribute these additional salary funds to achieve the intended result of increasing the average target teacher salary at the Special Schools. The parties agreed that the distribution outlined in Article 17.1 of the Special Schools Agreement (“Agreement”) would not achieve the intended result. Therefore, consistent with Article 20.8 of the Agreement, which allows for modification to the Agreement, the parties have agreed upon a different distribution for these additional funds, which agreement is Modification L (Attachment I). This Modification L, once approved by the Board, will be Appendix L to the Agreement.

As a result of SB 178, the salary portion of the budget for each of the Special Schools received an increase of 10.2% from the amount for FY17. The budget increase was \$76,302.43 for the South Dakota School for the Blind and Visually Impaired, and \$52,200.13 for the South Dakota School for the Deaf. Starting in FY18, each instructional staff member at SDSBVI will receive a salary increase of \$5,000.00, and each instructional staff member at SDSD will receive a salary increase of \$4,700.00. Three factors account for the difference in the increase between the Special Schools: (1) each Special School has its own budget and corresponding pool for salaries; (2) the average instructional staff salary at each Special School is different; and (3) the number of instructional staff members at each Special School is different.

Each Special School will have some remaining funds from this additional appropriation totaling \$1,302.43 for SDSBVI and \$500.13 for SDSD. These funds will be used in the future for salary and benefits expenses. COHE has already signed Modification L.

DRAFT MOTION 20170510_5-J: I move to approve Modification L to the COHE/BOR Special Schools Agreement, as contained in Attachment I.

**Modification L to the
COHE/BOR Special Schools Agreement**

This Modification L is an amendment to the Special Schools Agreement for July 1, 2015 through June 30, 2018 between the South Dakota Board of Regents (“BOR”) and the Council of Higher Education (“COHE”), which was executed on June 10, 2015 (“Agreement”).

WHEREAS, during the 2016 Legislative Session, a trio of bills ([HB 1182](#), [SB 131](#), and [SD 133](#)) were introduced and signed into law that collectively resulted in increasing the average target teacher salary for K-12 school districts in South Dakota;

WHEREAS, the instructional staff at the Special Schools were inadvertently left out of the trio bills and did not see their average target teacher salary increased as a result of the passage and enactment of the trio of bills;

WHEREAS, during the 2017 Legislative Session, the BOR advocated that the Legislature remedy this oversight and provide an increase to the average instructional staff salary at the Special Schools;

WHEREAS, during the 2017 Legislative Session, the Legislature included additional funds in the General Appropriations Bill for Fiscal Year 2018 ([SB 178](#)), which was signed into law, to increase the average instructional staff salary at the Special Schools and fund the corresponding increase to the benefits cost;

WHEREAS, COHE and BOR agree that in order to achieve the intended result of increasing the average instructional staff salary at the Special Schools, a distribution other than that outlined in Article 17.1 of the Agreement is needed;

WHEREAS, Article 20.8 of the Agreement allows for modification of the Agreement upon written agreement of the parties;

NOW, THEREFORE, in consideration of the foregoing, the mutual promises and representations set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties promise and agree as follows:

1. Recitals Incorporated.

The above recitals are hereby incorporated into this Modification L as if fully set forth herein.

2. Additional Funds Received Through SB 178 for Salary Portion.

The salary portion of the budget for each of the Special Schools received an increase of 10.2% from the amount for Fiscal Year 2017 to increase the average instructional staff salary and fund the corresponding increase to the benefits cost. For the South Dakota School for the Blind and Visually Impaired, the budget increase for the salary portion was \$76,302.43. For the South Dakota School for the Deaf, the budget increase for the salary portion was \$52,200.13.

3. Distribution of Additional Funds for Salary Portion.

Effective for the fiscal year 2018 contract, each instructional staff member will receive a salary increase compared to their salary for fiscal year 2017 as outlined below:

- a. South Dakota School for the Blind and Visually Impaired instructional staff members will each receive a salary increase of \$5,000.00.
- b. South Dakota School for the Deaf instructional staff members will each receive a salary increase of \$4,700.00.

4. Reason for Difference in Amount by Special School.

The difference in the amount of the salary increase is attributed to the following factors:

- a. Each Special School has its own budget and corresponding pool for salaries;
- b. The average instructional staff salary at each Special School is different; and
- c. The number of instructional staff members at each Special School is different.

5. Remaining Funds for the South Dakota School for the Blind and Visually Impaired.

There will be \$1,302.43 of remaining funds that will be used in the future for salary and benefits expenses. The calculation that resulted in remaining funds is as follows:

\$76,302.43 of additional funds appropriated for salary increase
\$75,000.00 distributed to 15 instructional staff members (\$5,000 x 15 FTE)
 \$1,302.43 remaining funds for future salary and benefits expenses

6. Remaining Funds for the South Dakota School for the Deaf.

There will be \$500.13 of remaining funds that will be used in the future for salary and benefits expenses. The calculation that resulted in remaining funds is as follows:

\$52,200.13 of additional funds appropriated for salary increase
\$51,700.00 distributed to 11 instructional staff members (\$4,700 x 11 FTE)
 \$500.13 remaining funds for future salary and benefits expenses

7. Entire Agreement.

This Modification L contains the entire agreement of the parties with respect to the subject matter hereof and supersede all prior agreements and understandings with respect to such matters.

8. Counterparts.

This Modification L may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Executed this 10th day of May, 2017

SOUTH DAKOTA BOARD OF REGENTS

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