

SOUTH DAKOTA

OVERALL RANK: 34TH¹
TIER 4 (WEAK)

STRONGER —————> WEAKER

OVERALL				34	
1. RESOURCES AND MEMBERSHIP					40
2. INVOLVEMENT IN POLITICS	1				
3. SCOPE OF BARGAINING				33	
4. STATE POLICIES				34	
5. PERCEIVED INFLUENCE					49

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

South Dakota's state teacher union has limited resources from its members, and does not see a large commitment of dollars to K-12 education in general, or to teacher salaries and benefits in particular. Only 54.1 percent of teachers are unionized in the Mount Rushmore State (an unusually low percentage compared to the other states that also require collective bargaining, and only the 43rd-highest membership rate of all 51 jurisdictions nationwide). Its state NEA affiliate brings in \$370 annually South Dakota per teacher (31st of 51). Further, while South Dakota schools, many of them rural, spend a fair amount of money on K-12 education—\$11,232 annually per student (26th)—just half of those funds go toward teacher salaries and benefits (only three states spend a smaller percentage).

AREAS 2: INVOLVEMENT IN POLITICS² TIED FOR 1ST

The teacher union has been a significant contributor to South Dakota politics over the past ten years. It ties with Alabama and Hawaii for most active union involvement. Specifically, 1.4 percent of the donations to candidates for state office came from the South Dakota Education Association (12th).³ Those contributions amounted to roughly 14 percent of total donations from the ten highest-giving sectors in the state (10th). Unions donated to political parties as well: 1.54 percent of total party donations came from them (18th). (These high rankings do not appear to make sense given that the South Dakota Education Association (SDEA) is relatively resource-poor (see Area 1), until we consider that the sum of donations from any source

to state candidates and parties in South Dakota is one of the smallest totals in the nation. Thus, the SDEA is able to be heavily involved in state politics, without actually giving much money.) The union voice was also represented at the Democratic and Republican national conventions—23.1 percent of South Dakota’s delegates were union members (6th).⁴

AREA 3: SCOPE OF BARGAINING TIED FOR 33RD

South Dakota is one of thirty-two states that mandate collective bargaining and it is relatively permissive regarding the scope of negotiations. Of twenty-one items examined in this report, South Dakota law dictates that four must be subject to bargaining: wages, hours, terms and conditions of employment, and grievance procedures. The state is silent on the remaining seventeen items, implicitly permitting them. South Dakota does limit the strength of its unions, however, by prohibiting them from automatically collecting agency fees from non-member teachers, and teachers are not allowed to strike.

AREA 4: STATE POLICIES TIED FOR 34TH

While some of South Dakota’s state policies align with traditional teacher union interests, others do not. South Dakota does not have a charter school law.⁵ Neither teacher evaluations nor tenure decisions must include student achievement data (although the former may soon change, see sidebar), and there are no articulated consequences for teachers who receive unsatisfactory evaluations—all policies that unions typically support. Despite its tenure and evaluation policies, however, South Dakota dismisses teachers due to poor

performance at a higher rate than any other state. And the state does not require that class size be restricted.

AREA 5: PERCEIVED INFLUENCE 49TH

Despite (or perhaps motivating) the union’s involvement in state politics, stakeholders in South Dakota report that it is relatively weak. They indicate that several other organizations have greater sway over education policy: the state school board, the school board association, and the association of school administrators. South Dakota is the only state in which stakeholders report that Democrats *rarely* need teacher union support to get elected (elsewhere, Democrats at least sometimes need that support). Respondents also note that teacher unions are not effective in protecting dollars for education or warding off education reforms with which they disagree, and that policies enacted in the state’s latest legislative session were mostly *not in line* with teacher union priorities.⁶

OVERALL 34TH

Despite its perceived ineffectiveness, the South Dakota teacher union is highly active in state politics. Such activity may well illustrate the union’s effort to alter unfavorable policies and hostile legislative environments (see sidebar).

The South Dakota Education Association (SDEA) has no love for a massive education-reform bill signed into law in February 2012. HB 1234 provides a \$5,000 one-year bonus for up to 20 percent of every school's top teachers, bases half of teacher evaluations on quantitative data (such as test scores), requires uniform teacher evaluations, and gradually phases out teacher tenure.⁷

Unable to stop legislators from passing the measure, the SDEA took it to the voters, collecting nearly 26,000 signatures (fewer than 16,000 were needed) to put its repeal on the November 2012 ballot. Union leaders insist that the bill will create unnecessary competition among teachers, undermining their work without addressing the real problem: Teachers do not have enough resources to do their job well. SDEA leader Amanda Mack lamented: "This bill is not the solution to the problems facing education in South Dakota. If we were able to fund the formula properly and able to give schools the resources that they need to determine what teachers to hire, what textbooks they need, [and] what supplies they need, we'd be in a much better position than we are."⁸

To prove its point that overall, not selective, funding will do more for South Dakota students, the SDEA took to door knocking again—and this time gathered 34,000 signatures to put another measure on the ballot. The "Penny Tax" would add one cent to the state sales tax and is projected to yield \$90 million for education.⁹ SDEA President Sandy Arseneault is pleased with the campaign thus far: "What a wonderful example of what we can accomplish if we come together with one voice."¹⁰ Come November, voters will decide whether their voices harmonize with the union or the legislature.

SOUTH DAKOTA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 34TH

Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 40*	Membership	By rank, what percentage of public-school teachers in the state are union members?	43rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	31st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	39th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	26th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	48th
AREA 2: INVOLVEMENT IN POLITICS 1*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	12th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	18th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	10th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	6th*
AREA 3: SCOPE OF BARGAINING 33*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 34*	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	42nd*
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	51st	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 34 (cont.)	Charter school structural limitations ^c	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions ^c	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

AREA 5: PERCEIVED INFLUENCE^d 49	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Rarely
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

* Tied with another state

^a Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, South Dakota has the 43rd-highest percentage of teachers who are union members. Otherwise, we report a status: South Dakota has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

^c South Dakota does not have a charter school law.

^d For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for South Dakota are shown in the table, *South Dakota Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, South Dakota is ranked 40th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

² Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

³ South Dakota is one of just four states where local teacher associations did not contribute to candidates and political parties. In South Dakota, the SDEA was the lone union donor to candidates, while the SDEA along with the NEA and AFT gave to state political parties.

⁴ At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

⁵ We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or no role.

⁶ We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

⁷ Associated School Boards of South Dakota Issue Briefs, accessed June 7, 2012, <http://www.asbsd.org/page174.aspx>.

⁸ Jill Johnson, "SD Teacher Bonus Bill On November Ballot," *KDLT News*, July 2, 2012, http://www.kdlt.com/index.php?option=com_content&task=view&id=18666&Itemid=57.

⁹ "Penny Sales Tax Vote Coming in November," *The Educator's Advocate*, December 2011/January 2012, http://sdea.org/assets/document/Advocate_DecJan_2011-2012.pdf.

¹⁰ *Ibid.*