

ARTICLE 24:55

PUBLIC SCHOOL ACCOUNTABILITY SYSTEM

Chapter

- 24:55:01 Definitions.
- 24:55:02 Public school performance index.
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- 24:55:09 Appeals.
- 24:55:10 Accountability system review.

CHAPTER 24:55:01

DEFINITIONS

Section

- 24:55:01:01 Definitions.
- 24:55:01:02 Flexibility request defined.
- 24:55:01:03 Full academic year defined.

24:55:01:04 Public school accountability system defined.

24:55:01:05 Student groups defined.

24:55:01:01. Definitions. Terms used in this article mean:

(1) "Accreditation," certification by the secretary that a school system meets the adopted standards of the state board for a specified school fiscal year;

(2) "Alternative school," programs outside of the traditional setting whereby students receive instruction as an extension of the regular or traditional school environment;

(3) "Attendance, day of," a day in which an enrolled person is present under the guidance and direction of a teacher for the minimum length of time that school is in session;

(4) "Attendance rate," ~~the aggregate days of attendance of all enrolled students divided by the aggregate days of enrollment of all enrolled students~~ the percentage of students who have met the set target attendance rate of at least 94 percent, as further defined in 24:55:02:07,

(5) "Confidence interval," a group of continuous or discrete adjacent values that is used to estimate a statistical parameter (as a mean or variance) and that tends to include the true value of the parameter a predetermined proportion of the time if the process of finding the group of values is repeated a number of times;

(6) "Department," Department of Education;

(7) "Dropout," a student who:

(a) Was enrolled in school at some time during the school year and was expected to be enrolled the following year but was not enrolled;

(b) Has not graduated from high school or completed a state or district approved educational program; and

(c) Has not met any of the following exclusionary conditions:

(i) Transfer to another public school district, private school, or state or district-approved educational program;

(ii) Temporary school-recognized absence due to suspension or illness; or

(iii) Death;

(8) "Dual enrollment," the enrollment of a student in a kindergarten through twelfth grade program in two or more school systems at the same time;

(9) "Economically disadvantaged," students who qualify for free and reduced lunch status;

(10) "Enrollment," for accountability purposes, the total number of students who are enrolled in a public school for greater than fifty percent of a school day;

(11) "ESEA," the Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq., as in effect on August 23, 2012;

(12) "Grade," that portion of a school program that represents the work of one regular school term, identified by a designation such as kindergarten, grade one, or grade ten;

(13) "Gap group," an aggregate count of student groups that have experienced the most significant achievement gaps on the state academic assessment. The ~~gap~~ Gap group must be re-evaluated following the 2014-15 school year, using the most recent three years of state academic assessment data. After the 2014-15 school year, the ~~gap~~ Gap group must be re-evaluated on a six-year cycle. The ~~gap~~ Gap group currently includes the following student groups: Black or African American; American Indian or Alaska Native; Hispanic/Latino; economically disadvantaged; students with disabilities; and limited English proficient;

(14) "Gap group indicator," for student achievement, the percentage of ~~gap~~ Gap group students who scored proficient or advanced on the state academic assessment; for graduation rate, the graduation rate of ~~gap~~ Gap group students; and for student attendance, the student attendance rate of ~~gap~~ Gap group students;

(15) "Graduation rate," the four-year adjusted cohort graduation rate as defined in 34 C.F.R. § 200.19(b)(1) (November 28, 2008);

(16) "High school completion rate," the number of students who, in the most recently completed school year, have attained a regular high school diploma or a General Equivalency Diploma (GED) divided by the total number of students in that same year who dropped out or attained a regular high school diploma or a GED;

(17) "Key indicators," the key indicators of public school performance in §§ 24:55:02:02 to 24:55:02:03, inclusive;

(18) "Limited English proficient," as that term is defined in 20 U.S.C. § 7801 (25) (2002);

(19) "Nongap group," all students in a specific public school who are not included in the ~~gap~~ Gap group;

(20) "Presecondary school level," the elementary, middle, and junior high school levels;

(21) "School district," a public school district as defined in SDCL 13-5-1;

(22) "School, elementary," a school consisting of any combination of grades from kindergarten through eighth grade;

(23) "School, junior high," a school consisting of any combination of two or more consecutive grades that must include grades seven and eight, and may include grade nine;

(24) "School level," the designation of two separate and distinct levels for determining public school performance under the SPI, with those levels being the presecondary school level and the secondary school level;

(25) "School, middle," a school consisting of any combination of two or more consecutive grades, five through eight;

(26) "School, public," a public entity that is approved or accredited by the secretary for the purpose of instructing children of compulsory school age as provided in SDCL 13-27-1;

(27) "School, secondary," a school consisting of any combination of three or more consecutive grades, including ninth grade through twelfth grade;

(28) "School system," all of the schools and supporting services operated by a public school district;

(29) "School term," "school year," the school term as defined in SDCL 13-26-1 and 13-26-2;

(30) "Secretary," the secretary of the Department of Education;

(31) "SIG," school improvement grant;

(32) "SPI," school performance index;

(33) "SPI key indicator score," the score assigned to each key indicator at each school level;

(34) "SPI ranking," the ranking referenced in § 24:55:03:01;

(35) "State academic assessment," the academic achievement test in ~~reading~~ English language arts and mathematics annually administered to all students in grades three to eight, inclusive, and in grade eleven as defined in SDCL 13-3-55;

(36) "Student," an individual for whom instruction is provided in an educational program under the jurisdiction of a public school district;

(37) "Students with disabilities," as defined in § 24:05:24.01:01;

(38) "Teacher, certified," the holder of a valid South Dakota teacher certificate who is assigned to those responsibilities authorized by the certificate;

(39) "Title I, Part A," Title I, Part A, of the ESEA, 20 U.S.C. §§ 6301 to 6339, as in effect August 23, 2012;

(40) "Title I school," "Title I district," a public school or public school district that receives funds under Title I, Part A and 34 C.F.R. Part 200 (~~July 27, 2012~~) (July 1, 2014);

(41) "Total SPI score," the sum of all SPI key indicator scores, with a maximum of 100 points allowed at each school level per school year;

(42) "US DOE," the United States Department of Education.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 37, effective September 4, 2014.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

24:55:01:02. Flexibility request defined. For purposes of this article, the term, ESEA flexibility request, means the ESEA flexibility extension request dated ~~June 25, 2012~~ June 25, 2014, submitted by the department to the US DOE and approved on ~~June 29, 2012~~ June 30, 2014, pursuant to 20 U.S.C. § 7861.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

Reference: ESEA Flexibility Request dated ~~June 25, 2012~~ June 25, 2014. Approval letter from US DOE ~~Secretary Arne Duncan~~ Assistant Secretary Deborah S. Delisle to Secretary Dr. Melody Schopp dated ~~June 29, 2012~~ July 3, 2014. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from <http://www.ed.gov/esea/flexibility/requests> under "South Dakota."

24:55:01:03. Full academic year defined. For purposes of this article, the term, full academic year, means a student is continuously enrolled in a public school from October first to ~~the last day of the testing timelines established by the department~~ May first with an enrollment gap of no more than fifteen consecutive school days.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

24:55:01:04. Public school accountability system defined. For purposes of this article, the term, accountability system, means a system established by the state to ensure that all public schools make yearly progress in continuously and substantially improving the performance of their students and make yearly progress in increasing the quality of instruction and leadership. The accountability system shall:

(1) Be implemented and administered for all public schools through department policies and procedures consistent with SDCL 13-3-62 to 13-3-69, inclusive, and the requirements of this article;

(2) Be based upon the content standards in ~~reading~~ English language arts and mathematics approved by the state board of education;

(3) Include measurements of student achievement in ~~reading~~ English language arts and mathematics based on the state academic assessment;

(4) Include four levels of student achievement for ~~reading~~ English language arts and mathematics: ~~advanced, proficient, basic, and below basic~~, as referenced in SDCL 13-3-66, that are based on mastery of the content standards as measured by academic achievement tests, with cut scores for each level established by the department;

(5) Include multiple indicators of public school performance;

(6) Include a process for evaluating and supporting teachers and principals that is designed to improve their effectiveness in maximizing student learning, with the process being based on professional performance standards and multiple measures, and that informs professional growth and development of teachers and principals;

(7) Include a six-year cycle;

(8) Include annual measurements and public reporting based on the data collected pursuant to SDCL 13-3-51;

(9) Include a system of classification, sanctions, rewards, and recognition;

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

20:55:01:05. Student groups defined. For purposes of this article, the term, student groups, means identification of the following groups of students for purposes of aggregating and disaggregating data:

- (1) All students enrolled in a specific public school;
- (2) Economically disadvantaged students;
- (3) Students from the following major racial and ethnic groups according to definitions established by the United States Census Report: Hispanic/Latino; American Indian or Alaska Native; Asian, Black or African American; Native Hawaiian or Other Pacific Islander; White; and two or more races;
- (4) Students and disabilities;
- (5) Students who are limited English proficient;
- (6) Gap group students; and
- (7) Nongap group students.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-64, 13-3-65, 13-3-69, inclusive.

CHAPTER 24:55:02

PUBLIC SCHOOL PERFORMANCE INDEX

Section

- 24:55:02:01 Key indicators of public school performance.
- 24:55:02:02 ~~Presecondary school level key indicators implemented in the 2012-2013 school year~~ Repealed.
- 24:55:02:03 Presecondary school level key indicators implemented in the 2014-2015 school year.
- 24:55:02:04 ~~Secondary school level key indicators implemented in the 2012-2013 school year~~ Repealed.
- 24:55:02:05 Secondary school level key indicators implemented in the 2014-2015 school year.
- 24:55:02:06 Calculation of student achievement SPI key indicator score.
- 24:55:02:07 Calculation of student attendance SPI key indicator score.
- 24:55:02:08 Calculation of high school completion SPI key indicator score.
- 24:55:02:09 Calculation of college and career readiness SPI key indicator score.
- 24:55:02:10 Calculation of total SPI score for a public school.
- 24:55:02:11 Calculation of SPI score for the state level.
- 24:55:02:12 Academic growth key indicator.
- 24:55:02:13 Effective teachers and principals ~~key indicator~~ as part of accountability system.
- 24:55:02:14 ~~School climate key indicator~~ Repealed.

~~Appendix A SPI Key Indicators Table – Presecondary School Level – 2012-2013 and 2013-2014 School Years.~~

~~Appendix B~~ Appendix A SPI Key Indicators Table – Presecondary School Level – 2014-15 School Year.

~~Appendix C SPI Key Indicators Table – Secondary School Level – 2012-2013 and 2013-2014 School Years.~~

~~Appendix D~~ Appendix B SPI Key Indicators Table – Secondary School Level – 2014-15 School Year.

~~Appendix E Student Achievement Calculation Table – Presecondary School Level – 2012-2013 and 2013-2014 School Years.~~

~~Appendix F~~ Appendix C Student Achievement Calculation Table – Presecondary School Level – 2014-2015 School Year.

~~Appendix G Student Achievement Calculation Table – Secondary School Level – 2012-2013 and 2013-2014 School Years.~~

~~Appendix H~~ Appendix D Student Achievement Calculation Table – Secondary School Level – 2014-2015 School Year.

~~Appendix I~~ Appendix E Student Attendance Calculation Table.

~~Appendix J~~ Appendix F High School Completion Calculation Table.

~~Appendix K College and Career Readiness Calculation Table – 2012-2013 and 2013-2014 School Years.~~

~~Appendix L~~ Appendix G College and Career Readiness Calculation Table – 2014-2015 school year.

24:55:02:01. Key indicators of public school performance. The accountability system shall include multiple indicators of public school performance in advancing student learning and in improving instruction and school leadership. The department shall calculate SPI key indicator scores for each public school for each school year, with each key indicator assigned a maximum value according to this chapter. The department shall incorporate the use of a confidence interval

when reporting each of the SPI key indicator scores. The department also shall calculate a total SPI score for each public school, with one-hundred being the maximum value.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:02:02. Presecondary school level key indicators implemented in the 2012-2013 school year. ~~The following key indicators shall be used to assess the performance of each public school at the postsecondary school level for the 2012-2013 and 2013-2014 school years:~~

~~—— (1) Student achievement, for a maximum of eighty points; and~~

~~—— (2) Student attendance, for a maximum of twenty points.~~

~~—— The implementation of key indicators at the presecondary school level for the 2012-2013 and 2013-2014 school years is illustrated in Appendix A at the end of this chapter.~~

Repealed.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: ~~SDCL 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.~~

24:55:02:03. Presecondary school level key indicators implemented in the 2014-2015

school year. The following key indicators shall be used to assess the performance of each public school at the presecondary school level beginning in the 2014-2015 school year:

- (1) Student achievement, for a maximum of ~~twenty-five~~ eighty points;
- (2) Student attendance, for a maximum of twenty points;
- ~~— (3) Academic growth, for a maximum of twenty five points;~~
- (4) ~~Effective teachers and principals, for a maximum of twenty points; and~~
- ~~— (5) School climate, for a maximum of ten points.~~

The implementation of key indicators at the presecondary school level in the 2014-2015 school year is illustrated in ~~Appendix B~~ Appendix A at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:02:04. Secondary school level key indicators implemented in the 2012-2013

school year. ~~The following key indicators shall be used to assess the performance of each public school at the secondary school level for the 2012-2013 and 2013-2014 school years;~~

- ~~— (1) Student achievement, for a maximum of fifty points;~~
- ~~— (2) High school completion, for a maximum of twenty five points; and~~
- ~~— (3) College and career readiness, for a maximum of twenty five points.~~

~~—The implementation of key indicators at the secondary school level in the 2012-2013 and 2013-2014 school years is illustrated in Appendix C at the end of this chapter.~~

Repealed.

Source: 39 SDR 51, effective October 3, 2012.

~~—**General Authority:** SDCL 13-3-69.~~

~~—**Law Implemented:** SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.~~

24:55:02:05. Secondary school level key indicators implemented in the 2014-2015 school year. The following key indicators shall be used to assess the performance of each public school at the secondary school level beginning in the 2014-2015 school year:

- (1) Student achievement, for a maximum of ~~twenty-five~~ fifty points;
- (2) High school completion, for a maximum of twenty-five points;
- (3) College and career readiness, for a maximum of ~~twenty~~ twenty-five points;
- (4) ~~Effective teachers and principals, for a maximum of twenty points; and~~
- ~~—(5) School climate, for a maximum of ten points~~

The implementation of key indicators at the secondary school level in the 2014-2015 school year is illustrated in ~~Appendix D~~ Appendix B at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:02:06. Calculation of student achievement SPI key indicator score. The department shall base the student achievement SPI key indicator score for all public presecondary and secondary schools on the percentage of students scoring ~~proficient or advanced~~ at or above the cut score denoting academic proficiency on the state academic assessment. The department shall calculate this score separately for the presecondary school level and the secondary school level.

To calculate the SPI key indicator score for a public school, the department shall first divide the maximum points for this indicator in half, in order to count ~~reading~~ English language arts and mathematics scores equally. The department shall then calculate the percentage of students in that school in the ~~gap~~ Gap group and the ~~nongap~~ Nongap group, in order to arrive at weighted points for this indicator. The department shall multiply these weighted points by the percent of students in the school's ~~gap~~ Gap group and ~~nongap~~ Nongap group scoring ~~proficient or advanced~~ at or above the cut score used to measure academic proficiency on the state academic assessment to come up with four scores: ~~gap~~ Gap group ~~reading~~ English language arts, ~~gap~~ Gap group math, ~~nongap~~ Nongap group ~~reading~~ English language arts, and ~~nongap~~ Nongap group math. The sum of these four scores is the final score for the student achievement SPI key indicator for that school.

This calculation is illustrated in the ~~Appendices E to H~~ Appendices C to D, inclusive, at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(2)(5).

Law Implemented: SDCL 13-3-62, 13-3-63, 13-3-64, 13-3-69, inclusive.

24:55:02:07. Calculation of student attendance SPI key indicator score. The department shall base the student attendance SPI key indicator score for all public presecondary schools on the ~~attendance rate of all students enrolled in each specific school~~ percentage of students meeting the target attendance rate of 94 percent. To calculate the student attendance SPI key indicator score for a public presecondary school, the department shall ~~multiply the attendance rate for that school by the maximum points for this indicator~~ divide each student's number of enrolled days by the number of days the student was in attendance for every student enrolled a minimum of 15 consecutive school days. The department shall then, based on the above, count the number of students who have attended a minimum of 94 percent of his or her enrolled days. The department shall then divide that number by the total number of students enrolled during the school year for at least 15 consecutive school days. The department shall then multiply that percentage by the maximum points for this indicator.

This calculation is illustrated in ~~Appendix I~~ Appendix E at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(9).

Law Implemented: SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69, inclusive.

24:55:02:08. Calculation of high school completion SPI key indicator score. The department shall base the high school completion SPI key indicator score for all public secondary

schools on the two factors of high school completion rate and graduation rate, with each of the two factors accounting for fifty percent of the score. To calculate the high school completion SPI key indicator score for a public secondary school, the department shall do the following:

- (1) Multiply the high school completion rate by half of the maximum points for this indicator;
- (2) Multiply the graduation rate by half of the maximum points for this indicator; and
- (3) Add the numbers obtained in subsections (1) and (2).

This calculation is illustrated in ~~Appendix J~~ Appendix F at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(5)(8).

Law Implemented: SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69, inclusive.

24:55:02:09. Calculation of college and career readiness SPI key indicator score. The department shall base the college and career readiness SPI key indicator score for public secondary schools on two weighted factors of postsecondary preparedness for college and career as evidenced by participation in and performance on the American College Test (ACT) for high school achievement. ~~By the 2014-2015 school year, additional indicators for career readiness will be implemented into the public school accountability system.~~ The department shall calculate the college and career readiness SPI key indicator score for a public secondary school as follows:

(1) Allocate fifty percent of the maximum points for this indicator to ACT subscore in math, and fifty percent to ACT subscore in English;

(2) Calculate the percentage of the school's prior year graduating class who took the ACT and received a math subscore of twenty or above, and multiply it by the apportioned points for ACT subscore in math;

(3) Calculate the percentage of the school's prior year graduating class who took the ACT and received an English subscore of eighteen or above, and multiply it by the apportioned points ACT subscore in English; and

(4) Add the numbers obtained in subsections (2) and (3).

This calculation is illustrated in ~~Appendices K and L~~ Appendix G at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(5)(8).

Law Implemented: SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69, inclusive.

24:55:02:10. Calculation of total SPI score for a public school. The department shall calculate the total SPI score for each public school by adding together all of the school's SPI key indicator scores.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

24:55:02:11. Calculation of SPI score for the state level. The department shall calculate SPI key indicator scores at the presecondary and secondary school levels based on all students in the state. The department shall add the SPI key indicator scores together to arrive at a state level total SPI score for each school level. Students counted at the state level pursuant to chapter 24:55:07 are included in these calculations.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

24:55:02:12. Academic growth key indicator. ~~Beginning in the 2014-15 school year, the department shall base the academic growth SPI key indicator score of each public school on a measurement of the difference between actual academic growth and expected academic growth in reading and in mathematics. The department shall use the results of the 2014-15 assessments to set the baseline for the academic growth indicator.~~ This measurement of academic achievement over time shall be incorporated into the school's total SPI score in a manner consistent with the calculations for the other SPI key indicator scores

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(2)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:02:13. Effective teachers and principals key indicator as part of accountability system. Beginning in the ~~2014-15~~ 2015-16 school year, ~~the department shall use the teacher and principal performance evaluation process to calculate the effective teachers and principals SPI key indicator score. Performance ratings shall be based on the minimum professional performance standards established by the Board of Education. Performance ratings shall include multiple measures approved by the Board of Education.~~ schools shall be implementing teacher performance evaluation pursuant to §24:57. Beginning in the 2016-2017 school year, schools shall be implementing principal performance evaluation pursuant to §24:58.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-62, 13-3-65, 13-3-69, inclusive.

24:55:02:14. School climate key indicator. ~~Beginning in the 2014-15 school year, the department shall assess the major aspects of school life such as safety, relationships, teaching and learning, and a healthy environment that are associated with academic achievement and that can positively impact student learning.~~

Repealed.

Source: 39 SDR 51, effective October 3, 2012.

~~— **General Authority:** SDCL 13-3-69(2)(5)~~

~~— **Law Implemented:** SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69, inclusive.~~

DEPARTMENT OF EDUCATION

SPI KEY INDICATORS TABLE

PRESECONDARY SCHOOL LEVEL

~~2012-2013 AND 2013-2014~~ 2014-2015 SCHOOL ~~YEARS~~ YEAR

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APPENDIX A

SEE § ~~24:55:02:02~~ 24:55:02:03

Source: 39 SDR 51, effective October 3, 2012.

Presecondary School Level: ~~2012-2013 and 2013-2014~~ 2014-15 school years

Student Achievement	Student Attendance
80 points max	20 points max

~~DEPARTMENT OF EDUCATION~~

~~SPI KEY INDICATORS TABLE~~

~~PRESECONDARY LEVEL~~

~~2014-2015 SCHOOL YEAR~~

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~~APPENDIX B~~

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~~Source: 39 SDR 51, effective October 3, 2012.~~

Presecondary School Level: ~~2014-2015 school year~~

Student Achievement	Academic Growth	Student Attendance	Effective Teachers & Principals	School Climate
25 points max	25 points max	20 points max	20 points max	10 points max

DEPARTMENT OF EDUCATION

SPI KEY INDICATORS TABLE

SECONDARY SCHOOL LEVEL

~~2012-2013 AND 2013-2014~~ 2014-2015 SCHOOL YEARS

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~~APPENDIX C~~ APPENDIX B

SEE: § ~~24:55:02:04~~ 24:55:02:05

Source: 39 SDR 51, effective October 3, 2012.

Secondary School Level: ~~2012-2013 and 2013-2014~~ 2014-2015 school years year

Student Achievement	High School Completion	College and Career Readiness
50 points max	25 points max	25 points max

~~DEPARTMENT OF EDUCATION~~

~~SPI KEY INDICATORS TABLE~~

~~SECONDARY SCHOOL LEVEL~~

~~2014-2015 SCHOOL YEAR~~

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~~Source: 39 SDR 51, effective October 2, 2012.~~

Secondary School Level: 2014-2015 school year

Student Achievement	High School Completion	College and Career Readiness	Effective Teachers & Principals	School Climate
25 points max	25 points max	20 points max	20 points max	10 points max

DEPARTMENT OF EDUCATION

STUDENT ACHIEVEMENT CALCULATION TABLE

PRESECONDARY SCHOOL LEVEL

~~2012-2013 AND 2013-2014~~ 2014-2015 SCHOOL ~~YEARS~~ YEAR

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~~APPENDIX E~~

SEE: § 24:55:02:06

Source: 39 SDR 51, effective October 2, 2012.

Student achievement calculation:

Presecondary School Level: ~~2012-2013 and 2013-2014~~ 2014-15 school years year

<p>READING ENGLISH LANGAUGE ARTS – 40 points (of the total 80 points)</p>	<p>MATHEMATICS – 40 points (of the total 80 points)</p>
<p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (40) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced at or above the cut score denoting proficiency in reading English language arts =</p> <p>Gap Group Reading <u>English Language Arts</u> Score</p>	<p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (40) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced at or above the cut score denoting proficiency in math =</p> <p>Gap Group Math Score</p>
<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (40) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced at or above the cut score denoting proficiency in reading English language arts =</p> <p>Nongap Group Reading <u>English Language Arts</u> Score</p>	<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (40) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced at or above the cut score denoting proficiency in math =</p> <p>Nongap Group Math Score</p>
	<p>Sum of four subtotals equals final Student Achievement SPI Key Indicator score</p>

~~DEPARTMENT OF EDUCATION~~

~~STUDENT ACHIEVEMENT CALCULATION TABLE~~

~~PRESECONDARY SCHOOL LEVEL: 2014-2015 SCHOOL YEAR~~

~~Chapter 24:55:02~~

~~APPENDIX F~~

~~SEE: § 24:55:02:06~~

~~Source: 39 SDR 51, effective October 2, 2012.~~

Student achievement calculation:

Presecondary School Level: 2014-2015 school year

<p>READING—12.5 points (of the total 25-points)</p> <p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (12.5) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced in reading =</p> <p>Gap Group Reading Score</p>	<p>MATHEMATICS—12.5 points (of the total 25-points)</p> <p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (12.5) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced in math =</p> <p>Gap Group Math Score</p>
<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (12.5) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced reading =</p> <p>Nongap Group Reading Score</p>	<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (12.5) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced in math =</p> <p>Nongap Group Math Score</p>
	<p>Sum of four subtotals equals final Student Achievement SPI Key Indicator score</p>

DEPARTMENT OF EDUCATION

STUDENT ACHIEVEMENT CALCULATION TABLE

SECONDARY SCHOOL LEVEL: ~~2012-2013 AND 2013-2014~~ 2014-15 SCHOOL YEARS
YEAR

Chapter 24:55:02

~~APPENDIX G~~ APPENDIX D

SEE: § 24:55:02:06

Source: 39 SDR 51, effective October 2, 2012.

Student achievement calculation:

Secondary School Level: ~~2012-2013 and 2013-2014~~ 2014-15 school years year

<p>READING ENGLISH LANGUAGE ARTS – 25 points (of the total 50 points)</p>	<p>MATHEMATICS – 25 points (of the total 50 points)</p>
<p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (25) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced <u>at or above the cut score denoting proficiency in reading English language arts</u> =</p> <p>Gap Group Reading <u>English language arts</u> Score</p>	<p>% students in Gap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (25) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Gap Group who scored proficient or advanced <u>at or above the cut score denoting proficiency in math</u> =</p> <p>Gap Group Math Score</p>
<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (25) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced <u>at or above the cut score denoting proficiency in reading English language arts</u> =</p> <p>Nongap Group Reading <u>English language arts</u> Score</p>	<p>% students in Nongap Group</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>½ apportioned indicator points (25) = Weighted Points</p> <p style="text-align: center;">MULTIPLIED BY</p> <p>% students in Nongap Group who scored proficient or advanced <u>at or above the cut score denoting proficiency in math</u> =</p> <p>Nongap Group Math Score</p>
	<p>Sum of four subtotals equals final Student Achievement SPI Key Indicator score</p>

~~DEPARTMENT OF EDUCATION~~

~~STUDENT ACHIEVEMENT CALCULATION TABLE~~

~~SECONDARY SCHOOL LEVEL: 2014-2015 SCHOOL YEAR~~

~~Chapter 24:55:02~~

~~APPENDIX H~~

~~SEE: § 24:55:02:06~~

~~Source: 39 SDR 51, effective October 2, 2012.~~

Student achievement calculation:

Secondary School Level: 2014-2015 school year

READING—12.5 points (of the total 25 points)	MATHEMATICS—12.5 points (of the total 25 points)
% students in Gap Group	% students in Gap Group
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (12.5) = Weighted Points	½ apportioned indicator points (12.5) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Gap Group who scored proficient or advanced in reading =	% students in Gap Group who scored proficient or advanced in math =
Gap Group Reading Score	Gap Group Math Score
% students in Nongap Group	% students in Nongap Group
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (12.5) = Weighted Points	½ apportioned indicator points (12.5) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Nongap Group who scored proficient or advanced reading =	% students in Nongap Group who scored proficient or advanced in math =
Nongap Group Reading Score	Nongap Group Math Score
	Sum of four subtotals equals final Student Achievement SPI Key Indicator score

DEPARTMENT OF EDUCATION

STUDENT ATTENDANCE CALCULATION TABLE

Chapter 24:55:02

~~APPENDIX I~~ APPENDIX E

SEE: § 24:55:02:07

Source: 39 SDR 51, effective October 2, 2012.

Aggregate days of attendance of all enrolled students		
DIVIDED BY		
Aggregate days of enrollment of all enrolled students	EQUALS	Attendance rate
Attendance rate		Final Attendance SPI Key Indicator Score
MULTIPLIED BY		
Apportioned indicator points (20 points)	EQUALS	

<u>For each student enrolled during the school year, divide that student's number of enrolled days by the number of days the student was in attendance;</u>	<u>EQUALS</u>	<u>Attendance percentage</u>
<u>Number of students whose attendance percentage meets or exceeds the target 94 percent</u>		
<u>DIVIDED BY</u>	<u>EQUALS</u>	<u>Attendance rate</u>
<u>Number of students enrolled</u>		
<u>Attendance rate</u>		Final Attendance SPI Key Indicator Score
<u>MULTIPLIED BY</u>		
<u>Apportioned indicator points (20 points)</u>	<u>EQUALS</u>	

DEPARTMENT OF EDUCATION

HIGH SCHOOL COMPLETION CALCULATION TABLE

Chapter 24:55:02

~~APPENDIX J~~ APPENDIX F

SEE: § 24:55:02:08

Source: 39 SDR 51, effective October 3, 2012

DEPARTMENT OF EDUCATION

COLLEGE AND CAREER READINESS CALCULATION TABLE

~~2012-2013 AND 2013-2014~~ 2014-2015 SCHOOL ~~YEARS~~ YEAR

Chapter 24:55:02

~~APPENDIX K~~ APPENDIX G

SEE: § 24:55:02:09

Source: 39 SDR 51, effective October 3, 2012

% students whose ACT math sub-score is 20 or above MULTIPLIED BY 1/2 of apportioned indicator points (12.5 of the total 20 <u>25</u> points)	EQUALS	NUMERIC SUBTOTAL
% students whose ACT English sub-score is 18 or above MULTIPLIED BY 1/2 of apportioned indicator points (12.5 of the total 20 <u>25</u> points)	EQUALS	NUMERIC SUBTOTAL
SUM OF SUBTOTALS	EQUALS	Final College & Career Readiness SPI Key Indicator score

~~DEPARTMENT OF EDUCATION~~

~~COLLEGE AND CAREER READINESS CALCULATION TABLE~~

~~2014-2015 SCHOOL YEAR~~

~~Chapter 24:55:02~~

~~APPENDIX L~~

~~SEE: § 24:55:02:09~~

~~Source: 39 SDR 51, effective October 3, 2012~~

% students whose ACT math sub-score is 20 or above MULTIPLIED BY 1/2 apportioned indicator points (10 of the total 20 points)	EQUALS	NUMERIC SUBTOTAL
% students whose ACT English sub-score is 18 or above MULTIPLIED BY 1/2 of apportioned indicator points (10 of the total 25- points)	EQUALS	NUMERIC SUBTOTAL
SUM OF SUBTOTALS	EQUALS	Final College & Career Readiness SPI Key Indicator score

CHAPTER 24:55:03

PUBLIC SCHOOL RANKINGS AND CLASSIFICATIONS

Section

- 24:55:03:01 School performance index ranking.
- 24:55:03:02 Classifications of public schools.
- 24:55:03:03 Classification of exemplary schools.
- 24:55:03:04 Classification of status schools.
- 24:55:03:05 Classification of progressing schools.
- 24:55:03:06 Classification of non-Title I schools as priority schools.
- 24:55:03:07 Classification of Title I schools as priority schools.
- 24:55:03:07.01 Classification of priority districts.
- 24:55:03:08 Classification of focus schools.
- 24:55:03:09 ~~Transition year classification of Title I priority and focus schools~~ Repealed.
- 24:55:03:10 ~~Transition year classification of Title I priority schools at the presecondary school level~~ Repealed.
- 24:55:03:11 ~~Transition year classification of Title I priority schools at the secondary school level~~ Repealed.
- 24:55:03:12 ~~Transition year classification of focus schools at the presecondary school level~~ Repealed.
- 24:55:03:13 ~~Transition year classification of focus schools at the secondary school level.~~ Repealed.
- 24:55:03:14 ~~SIG priority schools.~~ Repealed

24:55:03:01. School performance index ranking. Following the 2012-2013 school year and each subsequent school year, the department shall rank all public schools according to each school's total SPI score. This ranking shall serve as the basis for the classification of public schools referenced in this chapter. The department shall rank the presecondary school level and the secondary school level separately.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:02. Classifications of public schools. The department shall classify all public schools into the following categories pursuant to this chapter:

- (1) Exemplary schools;
- (2) Status schools;
- (3) Progressing schools;
- (4) Priority schools ~~or SIG priority schools~~;
- (5) Focus schools.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:03. Classification of exemplary schools. The department shall classify a public school as an exemplary school if it is not classified as a focus or priority school and meets either of the following criteria:

- (1) The school's total SPI score is at or above the top five percent of the SPI ranking; or
- (2) The school is in the top five percent of improvement over the last two school years for:

(a) At the presecondary school level, the ~~gap~~ Gap group indicators for student achievement and student attendance; or

(b) At the secondary school level, the ~~gap~~ Gap group indicators for student achievement and graduation rate.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:04. Classification of status schools. The department shall classify a public school as a status school if the school is not characterized as a focus or priority school, and the school's total SPI score is at or above the top ten percent of the SPI ranking, but below the top five percent.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:05. Classification of progressing schools. The department shall classify a public school as a progressing school if the school is not characterized as a focus, priority, or exemplary school, and the school's total SPI score is greater than the bottom five percent but less than the top ten percent of the SPI ranking.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:06. Classification of non-Title I schools as priority schools. The department shall not classify a public school which does not qualify for funds under Title I Part A as a priority school, even if the school's total SPI score is at or below the bottom five percent of the SPI ranking of all schools at that school level. Such schools shall be designated as progressing schools. Title I eligible high schools may be classified as priority schools pursuant to 24:55:03:07 (2) regardless of whether the school accepts Title I funds.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:07. Classification of Title I schools as priority schools. The department shall classify a Title I school or a Title I eligible high school as a priority school if it meets any of the following criteria:

(1) The ~~school's total~~ school is a Title I school whose total SPI score is at or below the bottom five percent of the total SPI scores for all Title I schools in that school level;

(2) The school is a Title I high school or a Title I eligible high school whose graduation rate is below sixty percent for the last two school years.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:07.01. Classification of priority districts. If a public school district has at least one priority school and at least fifty percent of its schools are focus or priority schools, the district is considered a priority district. Only districts with three or more public schools may be identified as priority districts. A district must remain a priority district for a minimum of four years.

Source: 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:08. Classification of focus schools. The department shall classify a Title I school as a focus school if it meets any of the following criteria:

(1) At the presecondary school level, those schools with the lowest ranked scores for the ~~gap~~ Gap group indicators for student achievement and attendance ~~are at or below the bottom ten~~

~~percent of Title I schools who are not otherwise designated as Priority schools shall be identified.~~

~~A number totaling ten percent of all presecondary Title I schools shall be identified in this way; or~~

(2) At the secondary school level, ~~those schools with the lowest ranked scores for the gap~~ Gap group indicators for student achievement and graduation rate ~~are at or below the bottom ten percent of Title I schools who are not otherwise designated as priority schools shall be identified.~~

~~A number totaling ten percent of all postsecondary Title I schools shall be identified in this way; or~~

(3) At the presecondary or secondary school level, the combined math and ~~reading~~ English language arts student proficiency rates on the state academic assessment for any student group are seventy-five percent lower than the combined ~~reading~~ English language arts and math proficiency rates for the Gap group.

The department shall incorporate the use of a confidence interval when reporting the ~~gap~~ Gap group indicators pursuant to this section.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:03:09. Transition year classification of Title I priority and focus schools. ~~The 2012-13 school year is a transition year. Notwithstanding any other provision of this chapter, the initial classification of Title I priority and focus schools shall be made by the department in the fall of 2012 based on data available at the end of the 2011-2012 school year according to the~~

~~requirements of §§ 24:55:03:10 to 24:55:03:13, inclusive. These schools shall begin implementing the interventions referenced in §§ 24:55:04:02 and 24:55:04:03, if applicable, for priority schools or §§ 24:55:04:04 and 24:55:04:05, if applicable, for focus schools, upon receiving written notice from the department of their classification. Repealed~~

Source: 39 SDR 51, effective October 3, 2012.

~~— **General Authority:** SDCL 13-3-69(6).~~

~~— **Law Implemented:** SDCL 13-3-67, 13-3-69.~~

24:55:03:10. Transition year classification of Title I priority schools at the presecondary school level. ~~The department shall calculate the SPI key indicator score for student achievement and student attendance for each Title I school at the presecondary school level and add those scores together. The department shall then rank the schools according to these scores. The department shall classify a school as a priority school if this total score is at or below the bottom five percent. Repealed~~

Source: 39 SDR 51, effective October 3, 2012.

~~— **General Authority:** SDCL 13-3-69(6).~~

~~— **Law Implemented:** SDCL 13-3-67, 13-3-69.~~

24:55:03:11. Transition year classification of Title I priority schools at the secondary school level. ~~The department shall calculate the SPI key indicator score for student achievement, graduation rate, and college and career readiness for each Title I school at the secondary school level, and add those scores together. The department shall then rank the schools according to these~~

scores. The department shall classify a school as a priority school if this total score is at or below the bottom five percent. Repealed

Source: 39 SDR 51, effective October 3, 2012.

— ~~**General Authority:** SDCL 13-3-69(6).~~

— ~~**Law Implemented:** SDCL 13-3-67, 13-3-69.~~

24:55:03:12. Transition year classification of focus schools at the presecondary school level. ~~The department shall calculate the gap group indicator for student achievement and student attendance for each Title I school at the presecondary school level and add those scores together. The department shall then rank the schools according to these scores. The department shall classify a school as a focus school if this total score is at or below the bottom ten percent.~~

— ~~The department shall incorporate the use of a confidence interval when calculating the gap group indicators pursuant to this section. Repealed.~~

Source: 39 SDR 51, effective October 3, 2012.

— ~~**General Authority:** SDCL 13-3-69(6).~~

— ~~**Law Implemented:** SDCL 13-3-67, 13-3-69.~~

24:55:03:13. Transition year classification of focus schools at the secondary school level. ~~The department shall calculate the gap group indicator for student achievement and graduation rate for each Title I school at the secondary school level and add those scores together.~~

~~The department shall then rank the schools according to these scores. The department shall classify a school as a focus school if this total score is at or below the bottom ten percent.~~

~~—The department shall incorporate the use of a confidence interval when calculating the gap group indicators pursuant to this section. Repealed.~~

Source: 39 SDR 51, effective October 3, 2012.

~~—**General Authority:** SDCL 13-3-69(6).~~

~~—**Law Implemented:** SDCL 13-3-67, 13-3-69.~~

~~**24:55:03:14. SIG priority schools.** Title I schools receiving tier I or tier II school improvement grant dollars to 20 U.S.C. 6303(g) (2002) and 74 Fed. Reg. 66363 (November 29, 2010) are not classified by the department pursuant to §§ 24:55:03:02 to 24:55:03:13 while the school improvement grant is in effect. These schools are classified by the department as SIG priority schools and are not subject to the requirements of §§ 24:55:04:02 and 24:55:04:03, inclusive. The SIG priority school classification ends when the term of the school improvement grant ends, and the school is again subject to the requirements of the sections listed in this section.~~
Repealed.

Source: 39 SDR 51, effective October 3, 2012.

~~—**General Authority:** SDCL 13-3-69(6).~~

~~—**Law Implemented:** SDCL 13-3-67, 13-3-69.~~

CHAPTER 24:55:04

SANCTIONS, REWARDS, AND RECOGNITION

Section

24:55:04:01 Interventions and rewards.

24:55:04:02 Interventions for Title I priority schools.

24:55:04:03 Interventions for priority districts.

24:55:04:04 Interventions for focus schools.

24:55:04:05 Repealed.

24:55:04:06 Exiting priority school classification.

24:55:04:07 Failure of priority school to progress.

24:55:04:08 Priority schools making significant gains.

~~24:55:04:08~~ 24:55:04:09 Exiting focus school classification.

~~24:55:04:08.01~~ 24:55:04:09.01 Exit criteria for a school classified as a focus school pursuant to
§ 24:55:03:08(1) or (2).

~~24:55:04:08.02~~ 24:55:04:08.02 Exit criteria for schools classified as focus schools pursuant to
§ 24:55:03:08(3).

~~24:55:04:09~~ 24:55:04:10 Failure of focus school to progress.

24:55:04:11 Focus schools making significant gains.

~~24:55:04:10~~ 24:55:04:12 Rewards and recognition.

24:55:04:01. Interventions and rewards. The system of interventions for public schools includes sanctions, rewards, and recognition. The interventions and rewards component of the state's accountability system serves primarily to promote enhanced learning and teaching.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:04:02. Interventions for Title I priority schools. Each public school district with one or more Title I schools classified as a priority school shall ensure that the following interventions are implemented for priority schools in the district:

~~(1) Within one year of being classified as a priority school, participate in the Academy of Pacesetter Districts referenced on page 56 of the ESEA flexibility request as defined in § 24:55:01:02;~~

~~(2) Participate in a district and school level program audit conducted by the department as referenced on page 56 of the ESEA flexibility request;~~

~~(3)~~(1) Chart improvement and manage the continuous improvement process ~~through the South Dakota Leading Effectively Achieving Progress, referenced as Indistar on pages 56-57 of the ESEA flexibility request~~ as approved and monitored by the department;

~~(4)~~(2) Ensure that a school-level annual data analysis led by department-approved personnel is conducted, as referenced on ~~the bottom of page 58~~ 93 of the ESEA flexibility request;

~~(5)~~(3) Redesign the school day, week, or year to include additional time for meaningful student learning and teacher collaboration, as referenced on pages ~~58-59~~ 93 of the ESEA flexibility request.

~~(6)~~ Implement South Dakota RtI, a multi-tiered system of support, as referenced on page ~~58~~ of the ESEA flexibility request;

~~(7)~~(4) Review the performance of the current principal that meets the minimal requirements in §24:58 and either replace the principal if such a change is necessary or demonstrate to the department that the current principal has a track record in improving achievement, as referenced on page ~~57~~ 93 of the ESEA flexibility request;

~~(8)~~(5) Provide the principal with operational flexibility in the areas of scheduling, staff curriculum, and budgeting, as referenced on pages ~~57-58~~ 93 of the ESEA flexibility request;

~~(9)~~(6) Provide professional development opportunities specific to prioritized needs as identified in the annual data analysis led by department-approved personnel, as referenced on page ~~58~~ 93 of the ESEA flexibility request;

~~(10)~~(7) Inform the district's board of education and the public on the school's progress towards improving school performance, as referenced on page ~~58~~ 93 of the ESEA flexibility request;

~~(11)~~(8) Ensure that the instructional program is research-based, rigorous, and aligned with the state content standards, as referenced on page ~~58~~ 93 of the department's ESEA flexibility request;

~~(12)~~(9) Ensure, through the district's teacher evaluation process, that teachers are effective and able to improve instruction, as referenced on page ~~59~~ 93 of the ESEA flexibility request and within §24:57;

~~(13)~~(10) Provide opportunities for parent and community involvement in the decision making process regarding curriculum, assessment, reporting, and school environment, as referenced on page ~~59~~ 93 of the ESEA flexibility request.

(11) Work with a School Support Team member as assigned by the department, as referenced on page 94 of the ESEA flexibility request.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

Reference: "ESEA Flexibility Request" dated ~~June 25 2012~~ June 25, 2014. Letter from US DOE ~~Secretary Arne Duncan~~ Assistant Secretary Deborah S. Delisle to Secretary Dr. Melody Schopp dated ~~June 29, 2012~~ July 3, 2014. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from <http://www.ed.gov/esea/flexibility/requests> under "South Dakota."

24:55:04:03. Interventions for priority districts. Each priority district shall implement the interventions in this section. The interventions referenced in this section must be approved by the department:

(1) Form a district leadership team to drive the continuous improvement process and create, implement, and monitor the district turnaround plan;

~~(2) Participate in the Academy of Pacesetter Districts program referenced on page 56 of the ESEA flexibility request to review and/or develop a district operations manual targeted at supporting all schools in the district, including using the South Dakota Leading Effectively Achieving Progress, referenced as Indistar on pages 56-57 of the ESEA flexibility request, online school improvement planning tool to assess, plan, implement, and monitor district indicators of effective practice;~~

~~(3)~~(2) Provide and support necessary professional development for teachers;

~~(4)~~(3) Implement the South Dakota multi-tiered system of support referenced on pages ~~57-92~~ 57-92 and ~~58-93~~ 58-93 of the ESEA flexibility request Ensure that priority schools are able to monitor progress

of their students regularly and are able to tier interventions to meet student needs within their classrooms as referenced on page 93 of the ESEA flexibility request; and

~~—(5) Undergo a district performance audit; and~~

~~(6)~~(4) Implement additional supports and interventions that align with the needs of the district's priority schools.

In addition, the department shall conduct an analysis of the priority district data regarding staffing, budgeting, student achievement, and other relevant areas. Based on the results of this analysis, the priority district may be required to set aside up to five percent of the district Title I Part A allocation to fund a technical advisor assigned by the department.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

Reference: "ESEA Flexibility Request" dated ~~June 25, 2012~~ June 25, 2014. Letter from US DOE ~~Secretary Arne Duncan~~ Assistant Secretary Deborah S. Delisle to Secretary Dr. Melody Schopp dated ~~June 29, 2012~~ July 3, 2014. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from <http://www.ed.gov/esea/flexibility/requests> under "South Dakota."

24:55:04:04. Intervention for focus schools. Each public school district with one or more schools classified as a focus school shall ensure that the following interventions are implemented for focus schools in the district:

(1) Chart improvement and manage the continuous improvement process ~~through the South Dakota Leading Effectively Achieving Progress, referenced as Indistar on pages 56-57 and 71 of the ESEA flexibility request~~ as approved and monitored by the department;

~~(2) Implement South Dakota RtI, a multi-tiered system of support, as referenced on pages 71-72 of the ESEA flexibility request;~~

~~(3)~~(2) Ensure that a school level annual data analysis led by department-approved personnel is conducted, as referenced on ~~the bottom of page 72~~ 94 of the ESEA flexibility request;

~~(4)~~(3) Provide professional development opportunities specific to prioritized needs as identified in the annual data analysis led by department-approved personnel, as referenced on page ~~71~~ 94 of the ESEA flexibility request;

~~(5)~~(4) Provide the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budgeting, as referenced on page ~~71~~ 94 of the ESEA flexibility request;

~~(6)~~(5) Inform the district's board of education and the public on the school's progress towards improving school performance, as referenced on page ~~71~~ 94 of the ESEA flexibility request;

~~(7)~~(6) Implement an evaluation of the principal in each focus school that meets the minimum requirements in §24:58 as referenced on page ~~71~~ 94 of the ESEA flexibility request;

~~(8)~~(7) Ensure, through the district's teacher evaluation process, that teachers are effective and able to improve instruction, as referenced on page ~~72~~ 94 of the ESEA flexibility request and in §24:57;

~~(9)~~(8) Provide opportunities for parent and community involvement in the decision making process regarding curriculum, assessment, reporting, and school environment, as referenced on page ~~72~~ 94 of the ESEA flexibility request.

(9) Work with a School Support Team member as assigned by the department, as referenced on page 94 of the ESEA flexibility request.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

Reference: "ESEA Flexibility Request" dated ~~June 25, 2012~~ June 25, 2014. Letter from US DOE ~~Secretary Arne Duncan~~ Assistant Secretary Deborah S. Delisle to Secretary Dr. Melody Schopp dated ~~June 29, 2012~~ July 3, 2014. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from <http://www.ed.gov/esea/flexibility/requests> under "South Dakota."

24:55:04:05. Additional interventions for school districts with fifty percent or more of schools classified as focus schools. Repealed.

Source: 39 SDR 51, effective October 3, 2012; repealed, 40 SDR 40, effective September 11, 2013.

24:55:04:06. Exiting priority school classification. After a school has been classified a priority school for four years, and has fully implemented interventions aligned to all of the turnaround principles pursuant to § 24:55:04:02 for three complete years, the department shall examine whether the school meets the exit criteria in this section based on the most recent school year data. The department shall remove the priority school classification if the school meets the following criteria:

- (1) The school's total SPI score is above the bottom five percent of the SPI ranking;
- (2) The ~~gap~~ Gap group and ~~nongap~~ Nongap group in the school have met the annual targets in ~~reading~~ English language arts and math referenced in § 24:55:05:02 for the last three school years; and
- (3) Follow-up program audits show that interventions required by the chapter are being implemented.

In addition to subsections (1) to (3), inclusive, a Title I high school or Title I eligible high school that was classified as a priority school pursuant to § 24:55:03:07(2) must have a graduation rate of 70% or above for the last two school years.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:04:07. Failure of priority school to progress. For priority schools failing to meet the exit criteria referenced in § 24:55:04:06 after three years of interventions, the department shall impose one of four turnaround models: transformation, turnaround, restart, or school closure, as referenced on page 68 77 of the department's ESEA flexibility request.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:04:08. Priority schools making significant gains. For priority schools that have not met the exit criteria referenced in § 24:55:04:06 after three years of interventions but that have made significant progress towards this criteria (defined as closing the achievement gap by at least 25 percent) and department monitoring of the school indicates that sustainable interventions are being faithfully applied, the school may remain in priority status rather than implement a turnaround model as referenced in 24:55:04:07 at the department's discretion. The department may require a school to implement a turnaround model at any time during the priority designation if sufficient progress is no longer being made or requirements are no longer being met.

Source:

General Authority:

Law Implemented:

~~24:55:04:08~~ 24:55:04:09. Exiting focus school classification. After a school has been classified a focus school for one year, the department shall examine whether the school meets the exit criteria in §§ 24:55:04:08.01 and 24:55:04:08.02 based on the most recent school year data.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

~~24:55:04:08.01~~ 24:55:04:09.01. Exit criteria for a school classified as a focus school pursuant to § 24:55:03:08(1) or (2). For a school classified as a focus school pursuant to § 24:55:03:08(1) or (2), the school must meet the following criteria before it can exit focus school classification:

(1) The ~~gap~~ Gap group indicators are above the bottom ten percent of Title I schools:

- (a) For student achievement and attendance at the presecondary school level; and
- (b) For student achievement and graduation rate at the secondary school level;

(2) The ~~gap~~ Gap group in the school has met the annual targets in ~~reading~~ English language arts and math referenced in § 24:55:05:02; and

(3) Annual monitoring by the department indicates that interventions required by this chapter are being implemented and have been implemented for a minimum of one full academic year.

Source: 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

~~24:55:04:08.02~~ 24:55:04:09.02. Exit criteria for schools classified as focus schools pursuant to § 24:55:03:08(3). For a school classified as a focus school pursuant to § 24:55:03:08(3), the school must meet the following criteria before it can exit focus school classification:

(1) The ~~gap~~ Gap group indicators are above the bottom ten percent of Title I schools:

- (a) For student achievement and attendance at the presecondary school level; and
- (b) For student achievement and graduation rate at the secondary school level;

(2) Annual monitoring by the department indicates that interventions required by this chapter are being implemented; and

(3) The difference between the student group and ~~gap~~ Gap group performance has been cut in half and maintained for two consecutive years.

Source: 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:04:09 24:55:04:10. Failure of focus school to progress. If a focus school does not meet the exit criteria referenced in § 24:55:04:08 after three years, the department shall classify the school as a priority school.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

24:55:04:11. Focus schools making significant gains. For focus schools that have not met the exit criteria referenced in § 24:55:04:08 after three years of interventions but that have made significant progress towards this criteria (defined as closing the achievement gap by at least 25 percent) and department monitoring of the school indicates that sustainable interventions are being faithfully applied, the school may remain in focus status rather than becoming a priority school as referenced in 24:55:04:09 at the department's discretion. The department may choose to reclassify a school as a priority school if at any time during the focus designation if sufficient progress is no longer being made or requirements are no longer being met.

Source:

General Authority:

Law Implemented:

~~24:55:04:10~~ 24:55:04:12. **Rewards and recognition.** The department shall develop and implement a recognition program for public schools identified as exemplary schools. The recognition program shall emphasize the results of specific public school efforts to continuously and substantially improve the performance of their students and increase the quality of instruction and leadership.

Public school districts with schools that are recognized in this program may also be rewarded for their efforts with a high level of autonomy in maintaining and continuously improving student achievement and the quality of instruction and leadership.

This public recognition provides an opportunity for these public schools and school districts to serve as a model in the statewide effort to establish an effective education system resulting in students who are college, career, and life ready.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(6).

Law Implemented: SDCL 13-3-67, 13-3-69.

CHAPTER 24:55:05

ACADEMIC PROGRESS

Section

24:55:05:01 Academic progress defined.

24:55:05:02 Academic progress goals and targets.

24:55:05:03 Calculation of academic progress goals and targets.

Appendix A Academic Progress Calculation Table.

24:55:05:01. Academic progress defined. For purposes of this chapter, the term, academic progress, means a public school's attainment of yearly targets that the department has established to ensure attainment of a six-year goal for continuous improvement of student achievement. Progress is to be measured based upon proficiency rates on the state academic assessment.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(1).

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:05:02. Academic progress goals and targets. For each public school and public school district, the department shall calculate a unique academic progress goal of reducing by half, within each six-year cycle, the percentage of students in each of the student groups referenced in § 24:55:01:05 who score ~~basic or below basic~~ below the cut scores denoting academic proficiency in ~~reading~~ English language arts and mathematics. The department shall use the student achievement data from the state academic assessment to set yearly targets in equal increments toward the six-year goal. Goals and targets shall be set separately for ~~reading~~ English language arts

and mathematics. These targets provide meaningful data for each public school's ongoing efforts to continuously improve student achievement throughout each six-year cycle. The first cycle begins with the 2011-2012 school year, which serves as a baseline year for data. Progress goals and targets shall be reset following the 2014-15 school year based on a six-year cycle.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(1)(2)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

24:55:05:03. Calculation of academic progress goals and yearly targets. The department shall calculate academic progress goals and yearly targets separately for ~~reading~~ English language arts and mathematics and for each student group in each public school as follows:

(1) Based on state academic assessment scores from the ~~2011-2012~~ 2014-2015 school year, calculate the percentage of students in the applicable student group who score ~~at the basic or below basic levels combined~~ below the cut score denoting academic proficiency;

(2) Divide this percentage in half. This is the school's academic progress goal for reducing, within the six-year cycle, the percentage of students in the applicable student group who do not score ~~proficient or advanced~~ at or above the cut score denoting academic proficiency;

(3) Subtract this amount from 100 percent. This is the inverse of (2) and represents the school's academic progress goal for the percentage of students scoring ~~at the proficient or advanced levels combined~~ at or above the cut score denoting academic proficiency within the six-year cycle;

(4) Divide the amount in subdivision (2) by six, rounding to the nearest hundredth. This is the school's annual target for increasing the percentage of students who score ~~at the proficient or advanced levels combined~~ at or above the cut score denoting academic proficiency;

(5) Calculate the percentage of students in the base year who test ~~at the proficient or advanced levels combined~~ at or above the cut score denoting academic proficiency;

(6) To determine the academic progress target in year one of the six-year cycle, add the base year percentage of students scoring ~~at the proficient or advanced levels combined~~ at or above the cut score denoting academic proficiency to the annual target for increasing the percentage of students who score ~~proficient or advanced~~ at or above the cut score denoting academic proficiency;

and

(7) To determine the academic progress target in subsequent years of the six-year cycle, add the annual increase to the previous year's academic progress target.

These calculations shall be repeated for each public school for all of its student groups of § 24:55:01:05 and shall be calculated separately for ~~reading~~ English language arts and mathematics. The minimum student group size of 10 of § 24:55:07:05 applies for reporting purposes.

An example of this calculation is illustrated in Appendix A at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69(1)(2)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, 13-3-69, inclusive.

DEPARTMENT OF EDUCATION

ACADEMIC PROGRESS CALCULATION TABLE

Chapter 24:55:05

APPENDIX A

SEE: § 24:55:05:03

Source: 39 SDR 51, effective October 2, 2012.

Example of Calculation of Academic Progress Goals and Annual Targets – Mathematics

Student Group	% Basic & Below Basic Below the Cut Score Denoting Academic Proficiency	Amount to Reduce in 6 years	Six-Year Goal for % Proficient & Advanced At or Above the Cut Score Denoting Academic Proficiency	Annual Increase	Base Year	Year 1 Target	Year 2 Target	Year 3 Target	Year 4 Target	Year 5 Target	Year 6 Target
All Students	17%	8.5%	91.5%	1.42%	83.0%	84.42%	85.84%	87.26%	88.68%	90.10%	91.5%
White	9%	4.5%	95.5%	0.75%	91.0%	91.75%	92.50%	93.25%	94.0%	94.75%	95.5%
Gap Group	29%	14.5%	85.5%	2.42%	71.0%	73.4%	75.8%	78.3%	80.7%	83.1%	85.5%
Nongap Group	6%	3%	97%	0.50%	94.0%	94.5%	95.0%	95.5%	96.0%	96.5%	97.0%

CHAPTER 24:55:06

REVIEW AND REPORTING REQUIREMENTS

Section

- 24:55:06:01 Department review and reporting.
- 24:55:06:02 School districts must publish accountability results.
- 24:55:06:03 Student privacy rights not affected.

24:55:06:01. Department review and reporting. The department shall annually review and report accountability system results consistent with the requirements of 20 U.S.C. 6311(h) in effect on August 23, 2012.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-62, 13-3-65, 13-3-67, 13-3-69, inclusive.

24:55:06:02. School districts must publish accountability results. School districts shall publish and disseminate the accountability system results of each public school in the district, including the final classifications of public schools in the district pursuant to chapter 24:55:03, to parents, teachers, principals, schools, and the community consistent with the requirements of 20 U.S.C. 6311(h) in effect on August 23, 2012.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-62, 13-3-65, 13-3-67, 13-3-69, inclusive.

24:55:06:03. Student privacy rights not affected. Nothing in this chapter is intended to waive the requirements of 20 U.S.C. § 1232g ~~(2010)~~ (2013), or SDCL 1-27-1.5(1), SDCL 13-3-51, or 13-42-70.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

CHAPTER 24:55:07

ALL PUBLIC SCHOOLS AND PUBLIC SCHOOL STUDENTS INCLUDED

Section

- 24:55:07:01 All public school students assessed.
- 24:55:07:02 At least 95% assessed.
- 24:55:07:03 Dually enrolled students.
- 24:55:07:04 Student transfers during testing timeframes.
- 24:55:07:05 Student group size.
- 24:55:07:06 Insufficient group size.
- 24:55:07:07 Public schools with no grades assessed.
- 24:55:07:08 Requirements for all public schools.

- 24:55:07:09 Repealed.
- 24:55:07:10 Repealed.
- 24:55:07:11 Participation of students who are limited English proficient.
- 24:55:07:12 Student moves.
- 24:55:07:13 Student moves, full academic year not met.
- 24:55:07:14 Special considerations.

24:55:07:01. All public school students assessed. All students enrolled in public school shall take the state academic assessment.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-55, 13-3-69.

24:55:07:02. At least 95% assessed. In order to receive points for the student achievement SPI key indicator referenced in chapter 24:55:02, a school must administer the state academic assessment to at least 95% of the students who are enrolled in the tested grades for the state academic assessment on ~~the last day of the testing window~~ May first. If a school has 40 or fewer students enrolled in the tested grades, then it may have no more than two students not participate in the state assessments.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-55, 13-3-69.

24:55:07:03. Dually enrolled students. For ~~accountability~~ purposes of the student achievement, academic growth, high school completion, and college and career readiness indicators, a student who is dually enrolled is counted at the public school where the student spends greater than 50 percent of the school day. For purposes of the student attendance indicator, a student is counted based on his or her attendance rate during the time that that student is enrolled at each attendance center.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

24:55:07:04. Student transfers during testing timeframes. State academic assessment scores of students who transfer from one public school to another public school between October 1 and ~~the end of the testing timeline~~ May first within the same public school district are counted at the district level for student achievement SPI key indicator scores. Student achievement scores of students who transfer from one public school district to another public school district between October 1 and ~~the end of the testing timeline~~ May first are counted at the state level for student achievement SPI key indicator scores.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:07:05. Student group size. To conform with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, 34 C.F.R. Part 99 (March 8, 2012), the department shall use a minimum group size of 10 students for each student group of § 24:55:01:05 when publicly reporting accountability results. If a student group has fewer than 10 students, that group's accountability results may not be publicly reported. The department may not report student group results if ~~the majority~~ all of the students in a group have the same student achievement level as defined in § 24:55:01:04(4).

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:07:06 Insufficient group size. Accountability determinations for public schools may not be required if the number of students in a group is insufficient to yield statistically reliable information, or the results would reveal personally identifiable information about an individual student. Schools with fewer than 10 students tested must undergo a small school audit process to determine progress towards academic goals.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:07:07. Public schools with no grades assessed. For accountability purposes, the department shall link public schools that have no grades assessed with public schools into which their students feed.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:07:08. Requirements for all public schools. All public schools, including Title I schools, must participate in the state academic assessment.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-55, 13-3-69.

24:55:07:09. Students with disabilities. Repealed.

Source: 39 SDR 51, effective October 3, 2012; repealed, 40 SDR 40, effective September 11, 2013.

24:55:07:10. Students with disabilities identified after December first. Repealed.

Source: 39 SDR 51, effective October 3, 2012; repealed, 40 SDR 40, effective September 11, 2013

24:55:07:11. Participation of students who are limited English proficient. A student who is limited English proficient and in the student's first year enrolled in a school in the United States is not required to take the state academic assessment in ~~reading~~ English language arts, if the student has participated in the annual test of English language proficiency as referenced in 20 U.S.C. 6311 (2006). Participation in the annual test of English language proficiency meets the requirement of 95 percent participation referenced in § 24:55:07:02.

If a student who is limited English proficient enrolls for the first time after the testing window for the English language proficiency test has ended, the student counts toward the requirement of 95 percent participation in ~~reading~~ English language arts referenced in § 24:55:07:02 by completing the limited English proficient eligibility assessment.

A student who is limited English proficient and in the student's first year enrolled in a school in the United States is required to take the state academic assessment in mathematics. The results are not included in the calculation of the student achievement SPI key indicator. However, the student counts toward the requirement of 95 percent participation as referenced in § 24:55:07:02.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-55, 13-3-69.

24:55:07:12. Student moves. All students are required to take the state academic assessment at their current public school during the testing timeline established by the department.

However, if a student moves during the testing timeline and has not previously been tested, the receiving public school must test the student. Students who have been tested at their previous public school and have moved to a new public school are not required to test again.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-55, 13-3-69.

24:55:07:13. Student moves, full academic year not met. Students who move and enroll in a public school district for less than a full academic year must be tested, but their state academic assessment scores count at the state level when the department calculates total SPI and academic progress.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-55, 13-3-69.

24:55:07:14. Special considerations. For accountability purposes, students are assigned as follows:

(1) If a student is placed at any of the following and paid for by an entity other than the district, then the student is counted only at the state level:

(a) An attendance center or program other than an attendance center in the district;

(b) A private, nonprofit facility;

(c) A state or privately-operated school, and the placement was made by Unified Judicial System, Department of Corrections, Department of Social Services, or another state agency authorized to place students;

~~(d) The South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf;~~

~~(e)~~(d) Out-of-state students placed in a South Dakota facility to serve the special needs of the student.

(2) If a student is placed at an alternative school as an academic extension of the public school, the student is counted at the resident school.

(3) Students attending the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf count at the resident district and the state levels, but not at the school level.

(4) If a student is placed at an alternative school as an academic extension of the public school, the student is counted at the resident school level.

(5) Out of state students and open enrollment students attending a public school shall count at the state, attending district, and attending school level.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

CHAPTER 24:55:08

PROVISIONS FOR PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT CHANGES

Section

- 24:55:08:01 Public school or district changing grade span or physical status.
- 24:55:08:02 Students attending public school or district in first year of operation -- Included in accountability classification.
- 24:55:08:03 Accountability classification determination starts with first year of operation.
- 24:55:08:04 Public school boundaries altered -- Prior academic progress goals and targets recalculated.
- 24:55:08:05 School district consolidation -- Prior academic progress goals and targets recalculated.

24:55:08:01. Public school or district changing grade span or physical status. A public school or public school district that proposes to change its grade span or physical building capacity must submit a request to the department to explain the reasons for the proposed change. The department shall review the request and either approve or deny. Regardless of changes made in student population, a school identified as a priority or focus school is not eligible for new accountability status while in the identified classification.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

24:55:08:02. Students attending public school or district in first year of operation -- Included in accountability classification. Students attending a public school district in its first year of operation are included in the accountability classification at the public school level.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:08:03. Accountability classification determination starts with first year of operation. Accountability classifications for new public schools are made by the department within their first year of operation.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

24:55:08:04. Public school boundaries altered -- Prior academic progress goals and targets recalculated. If a public school district that has two or more attendance centers per grade span changes boundaries such that at least 50 percent of the student population of the attendance center, or students in the grade spans assessed in that attendance center, moved and have been replaced with students from another attendance center within the district:

(1) The academic progress goals and targets of the affected public schools shall be recalculated using the methodology in § 24:55:05:03 and shall be applied for the remaining years of the current six-year cycle; and

(2) If one or more of the affected schools has been classified as a priority school, the classification shall be removed by the department, notwithstanding the provisions of § 24:55:04:06.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

24:55:08:05. School district consolidation -- Prior academic progress goals and targets recalculated. If two or more public school districts consolidate under the provisions of SDCL chapter 13-6:

~~——(1) The the academic progress goals and targets of the affected public schools shall be recalculated using the methodology in § 24:55:05:03 and shall be applied for the remaining years of the current six-year cycle; and~~

~~——(2) If one or more of the affected schools has been classified as a priority school, the classification shall be removed by the department, notwithstanding the provisions of § 24:55:04:06.~~

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

CHAPTER 24:55:09

APPEALS

Section

24:55:09:01 Public schools may review data.

24:55:09:02 Public school district to appeal not later than 10 days after notification.

24:55:09:03 Final determination by department.

24:55:09:01. Public schools may review data. A public school district on behalf of a public school may review the results and classification of the school under the accountability system. If the public school district believes the results or classification to be incorrect for statistical or other reasons, it may appeal the accuracy of the data to the department.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(10)

Law Implemented: SDCL 13-3-69(10)

24:55:09:02. Public school district to appeal not later than 10 days after notification. A public school district on behalf of a public school must submit an appeal form provided by the department and supporting documentation not later than ten business days after the initial public release of the accountability system report card.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(10).

Law Implemented: SDCL 13-3-69(10).

24:55:09:03. Final determination by department. Following review of the materials submitted pursuant to § 24:55:09:02, the department shall make a final determination regarding the accuracy of the data. The public school district must be notified in writing by the department of the final decision within thirty calendar days after receipt of the appeal.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(10).

Law Implemented: SDCL 13-3-69(10).

CHAPTER 24:55:10

ACCOUNTABILITY SYSTEM REVIEW

Section

24:55:10:01 Accountability system review.

24:55:10:01. Accountability system review. The department shall periodically review the accountability system to ensure that it is fair and appropriate for the state's public schools and to determine whether the system contributes to the state's effective education system.

The department shall commence the first review of the accountability system after ~~full~~ implementation of the SPI in the ~~2014-15~~ 2016-2017 school year.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(11).

Law Implemented: SDCL 13-3-69(11).