

**Article 24:56 – Cooperation in Education**

**LRC Form & Style Version – Potential Amendments**

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**24:56:01:03. Decision of the Secretary.** The Secretary shall issue a decision regarding the agreement no later than ~~July~~ April first. The Secretary's decision must be in writing and served upon the superintendent of each participating district.

**Source:**

**General Authority:** SDCL 13-6-97.

**Law Implemented:** SDCL 13-6-97.

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**24:56:02:02. Decision of the Secretary.** The Secretary shall issue a decision regarding the agreement no later than ~~July~~ April first. The Secretary's decision must be in writing and served upon the superintendent of each participating school district.

**Source:**

**General Authority:** SDCL 13-15-32.

**Law Implemented:** SDCL 13-15-30 to 13-15-32, inclusive.



**Article 24:08 – Professional Teacher Ethics**

**LRC Form & Style Version – Potential Amendments**

**Page 19 - § 24:08:01:01**

Remove overstrikes from subdivision 13 and renumber remaining subdivisions accordingly.

(13) “Noncertified educator,” a person charged with responsibility in the field of education who is not certified by the secretary of the Department of Education as a teacher, administrator, or other education specialist, but who is employed or contracted to provide services in an educational setting;



**Article 24:57 - Teacher Performance Standards & Evaluation**

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**24:57:01:01. Definitions.** Terms used in this article mean:

(1) “Danielson framework,” the twenty-two components, clustered into domains one through four, inclusive, in The Framework for Teaching Evaluation Instrument (2013 edition) by Charlotte Danielson;

(2) “Department,” the South Dakota Department of Education;

(3) “Evaluation,” a process to assess objectively the performance of a teacher;

~~(3)~~(4) “Professional practice rating,” the rating assigned to a teacher using at least one component from each of the four domains of the Danielson framework;

~~(4)~~(5) “State assessments,” the academic achievement tests referenced in SDCL 13-3-55 and the science achievement test provided by the Department pursuant to 20 U.S.C. § 6311(b)(1)(C), as amended through December 1, 2013;

~~(5)~~(6) “State minimum evaluation requirements,” the model for evaluating teacher performance which, for each teacher:

(a) Assigns a professional practice rating;

(b) Assigns a student growth rating based on attainment of student learning objectives;

(c) Combines the professional practice rating and student growth rating into one summative effectiveness rating;

(d) Will be used ~~for continual improvement of instruction~~ to guide professional growth;

and



(e) Provides clear, timely, and useful feedback, including feedback that identifies needs and guides professional development.

~~(6)(7)~~ “Student growth,” the a change in student achievement for an individual student between two or more points in time, ~~which is measured by:~~

———~~(a) Quantifying the impact a teacher has had on the student’s learning based on the development of student learning objectives;~~

———~~(b) Using the student’s state assessment results, if applicable, for the student’s grade and subject; and~~

———~~(c) Using valid and reliable district, school, or teacher developed assessments for grades and subjects in which state assessments are not required;~~

~~(7)(8)~~ “Student growth rating,” the rating assigned to a teacher based on student growth;

~~(8)(9)~~ “Student learning objectives,” student growth targets written by a teacher and approved by a principal target goals of student growth which

———~~(a) reflect~~ Reflect a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period;

———(b) Are written by a teacher and approved by an evaluator; and

———(c) Include district, school, or teacher-developed assessments and, where applicable, state assessments.

~~(9)(10)~~ “Summative effectiveness rating,” the combination of a teacher’s professional practice rating and student growth rating into one of the following categories: Below Expectations, Meets Expectations, or Above Expectations;

~~(10)(11)~~ “Teacher,” for purposes of this article, an individual who:

- (a) Provides instruction to any grade, kindergarten through grade twelve, or ungraded class or who teaches in an environment other than a classroom setting;
- (b) Maintains daily student records;
- (c) Has completed an approved teacher education program at an accredited institution or completed an alternative certification program;
- (d) Has been issued a South Dakota certificate; and
- (e) Is not serving as a principal, assistant principal, superintendent, or assistant superintendent.

**Source:**

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

**Law Implemented:** SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

**Reference:** Charlotte Danielson, **The Framework for Teaching Evaluation**

**Instrument**, published by the Danielson Group, 2013 edition. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from [www.danielsongroup.org](http://www.danielsongroup.org).

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**24:57:02:03. Alternative evaluation model.** Notwithstanding § 24:57:02:02, a school district may use a ~~tool~~ model of professional practice other than the Danielson framework to evaluate its teachers if it proves to the department that this ~~tool~~ model is aligned with the Danielson framework. A school district may also choose not to use student learning objectives as a measure of student growth pursuant to ~~§ 24:57:01:01(6)(a)~~ if it proves to the department that the district's method of measuring student growth for all teachers in the district ~~complies with §~~

24:57:01:01(6)(b) and (e) reflects a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period and includes district, school, or teacher-developed assessments and, where applicable, state assessments.

**Source:**

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

**Law Implemented:** SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

**Chapter 24:05:33.01 – Extraordinary Costs**

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**Page 12 (Potential amendments in bold)**

**24:05:33.01:06. Application.** Eligible school districts must apply for extraordinary cost funds on a form forms provided by the secretary. A school district's application for extraordinary cost funds may not include requests for funding of capital acquisitions. An eligible school district may apply for extraordinary cost funds based on a high cost student, high cost program, or supplemental aid. In addition, a school district may apply for extraordinary cost funds based on both a high cost student and supplemental aid. However, a school district may not apply for extraordinary cost funds for both a high cost program and supplemental aid and may not apply for extraordinary cost funds for both a high cost student and high cost program.

**Source:** 23 SDR 63, effective January 1, 1997.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1, ~~13-37-38, 13-37-39, 13-37-40, 13-37-41~~ to 13-37-47, inclusive.



Page 14 (potential amendments in bold)

24:05:33.01:10. No funding of prior fiscal year special education expenditures. Extraordinary cost funds ~~may~~ **shall** be used solely to fund special education expenditures referenced in this chapter which occurred in the fiscal year in effect when the district submits its application.

Source:

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1, 13-37-40 to 13-37-47, inclusive.

Page 16 – Remove § 24:05:33.01:14 and renumber remaining sections and chapter table of contents accordingly.

~~24:05:33.01:14. Repayment of funds in excess of allowable fund balance. If a school district ends the fiscal year in excess of the allowable special education fund balance referenced in SDCL 13-37-44, any extraordinary cost funds received by the district for that fiscal year must be returned to the Department pursuant to this section. The amount of the repayment must be equal to the amount in excess of the allowable fund balance and may not exceed the total extraordinary cost funds paid to the district in the fiscal year. The repayment must be completed within sixty days of the end of the fiscal year in which the district received the extraordinary cost funds.~~

~~Source:~~

~~General Authority: SDCL 13-37-1.1.~~

~~Law Implemented: SDCL 13-37-1.1, 13-37-40 to 13-37-47, inclusive.~~