

TITLE 24
DEPARTMENT OF EDUCATION

Article

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24:05:13:01. Definitions. Terms defined in § 24:43:01:01 and in SDCL 13-37-1 have the same meaning when used in this article. In addition, terms used in this article mean:

(1) "Adjustment training center," "ATC," a facility as defined in § 46:11:01:01(2);

(2) "Adult services," services pertaining to independent living, vocational development, preemployment services, or employment services designed for persons 16 years of age or older;

(3) "Approved program," a written description of a school district's, state agency's, special education school's, or adjustment training center's policies and procedures for implementing its special education program that is found by the department to comply with this article;

(4) "At no cost," the provision of specially designed instruction without charge to the parent except for incidental fees that are normally charged to students without disabilities or their parents as a part of the regular education program;

(5) "Brailist," a person who produces materials in Braille by the use of a manual Braille writer, slate and stylus, or computer;

(6) "Braille teacher," an individual who assists classroom teachers in the instruction of reading and writing through the use of Braille;

(7) "Business day," Monday through Friday, except for federal and state holidays, unless holidays are specifically included in the designation of business day;

(8) "Consent," as used in this article, the term consent, means:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which the parent's consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom;

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime;

(d) If a parent revokes consent, that revocation is not retroactive, it does not negate an action that has occurred after the consent was given and before the consent was revoked; and

(e) If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the local education agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent;

(9) "Core academic subjects," English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

(10) "Day," calendar day unless otherwise indicated as a business day or school day;

(11) "Day school program," a specialized program provided in a facility, a school district, or a cooperative center that a child attends during the day, returning home at night;

(12) "Department," the Department of Education;

(13) "Early childhood special education program," a program specially designed to meet the unique needs of children with disabilities, birth through six years of age, including center- based instruction, home-based instruction, and instruction in hospitals and institutions;

(14) "Elementary and Secondary Education Act," "ESEA," the federal Elementary and Secondary Education Act as codified at 20 U.S.C. 6301 et seq., January 8, 2002, and 34 C.F.R. Part 200, published in the Federal Register on December 2, 2002;

(15) "Eligible student," a person through the age of 21 years who is a resident of the state of South Dakota and who requires special education or special education and related services because of the person's educational needs;

(16) "Extraordinary cost funds," amounts set aside by the secretary pursuant to SDCL 13-37-40;

(17) "High cost program," a program in which:

(a) Students have been identified as eligible for special education and related services;

(b) Each student in the program has an IEP;

(c) The cost of providing special education instruction and related services is more than fifty thousand dollars in excess of the total revenues credited to the special education fund of the school district referenced in SDCL 13-37-8.10; and

(d) The district incurs the costs referenced in subdivision (c) due to the intensity, frequency, and diversity of the special education needs of one or more of the students in the program;

(18) "High cost student," a student who meets the following criteria:

(a) The student has been identified as eligible for special education and related services;

(b) The student has an IEP;

(c) The cost of providing special education instruction and related services for the student is at least twice the funding allocation for the student as defined in SDCL 13-37-35.1;
and

(d) The district incurs the costs referenced in subdivision (c) due to the intensity, frequency, and diversity of the special education needs of the student;

~~(16)~~(19) "Homeless children," the term, homeless children and youths, as defined in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq., as amended to January 1, 2009;

~~(17)~~(20) "Individuals with Disabilities Education Act," "IDEA," the federal Individuals with Disabilities Education Act as codified at 20 U.S.C. §§ 1411 to 1420, inclusive, December 3, 2004, and 34 C.F.R. Part 300, published in the Federal Register on August 14, 2006, December 1, 2008, and February 14, 2013;

~~(18)~~(21) "Individual educational program," "IEP," a written statement for a specific child with a disability, in accordance with chapter 24:05:27, based on a full and individual evaluation of the child and developed by an IEP team;

~~(19)~~(22) "Individualized education program team," "IEP team," as used in this article, the term, individualized education program team, or, IEP team, means the group of individuals described in § 24:05:27:01.01 that is responsible for developing, reviewing, or revising an IEP for a child with a disability;

~~(20)~~(23) "Least restrictive environment," a learning environment for a child in need of special education or special education and related services, including a child placed in a public or private institution or another care facility, that includes to the maximum extent appropriate

children who are not in need of special education or special education and related services, as determined through the child's individual educational program;

~~(21)~~(24) "Limited English proficient," as the term is defined in section 9101(25) of the ESEA;

~~(22)~~(25) "Local education agency," a school district or other public authority under supervision of the department established by state law for the purpose of providing free public education on a regional basis which also provides special education and related services to children with disabilities within the state of South Dakota;

~~(23)~~(26) "National Instructional Materials Access Center," "NIMAC," the center established pursuant to section 674(e) of the IDEA;

~~(24)~~(27) "National Instructional Materials Accessibility Standard," "NIMAS," as the term is defined in section 674(e)(3)(B) of the IDEA;

~~(25)~~(28) "Policy," a rule, regulation, or standard enacted by a school district board;

~~(26)~~(29) "Physical education," the development of physical and motor fitness and fundamental motor skills and patterns through individual and group games and sports, including intramural and lifetime sports, special physical education, adapted physical education, movement education, and motor development;

~~(27)~~(30) "Related services," services that support the provision of special education, including transportation and those developmental, corrective, and other supportive services determined by an IEP team to be required for an eligible child to benefit from special education;

~~(28)~~(31) "Residential school program," an approved specialized program provided in a facility that a child attends 24 hours a day;

~~(29)~~(32) "Scientifically based research," as the term is defined in section 9101(37) of the ESEA;

~~(30)~~(33) "Secretary," the secretary of the Department of Education;

~~(31)~~(34) "Self-contained program," a specialized instructional environment for eligible children in need of special education or special education and related services who require intensive instructional procedures;

~~(32)~~(35) "Special education," instruction specially designed to meet the unique needs of a student with disabilities at no cost to parents or guardians, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, and other settings;

~~(33)~~(36) "Specially designed instruction," adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction;

~~(34)~~(37) "Standard deviation," a statistical measure of variation derived by squaring each deviation in a set of scores, taking the average of these scores, and then taking the square root of the results;

(38) Supplemental aid," a program in which:

(a) Students have been identified as eligible for special education and related services;

(b) Each student in the program has an IEP; and

(c) The cost of providing special education instruction and related services is in excess of the total revenues credited to the special education fund of the school district referenced in SDCL 13-37-8.10;

~~(35)~~(39) "Travel training," instruction provided, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this

instruction to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community);

~~(36)~~(40) "Vocational education," organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advance degree;

~~(37)~~(41) "Universal design," as the term is defined in section 3 of the Assistive Technology Act of 1998, 29 U.S.C. 3002, as amended to January 1, 2009; and

~~(38)~~(42) "Ward of the state," a child who, as determined by the state where the child resides, is a foster child, a ward of the state, or in the custody of a public child welfare agency. Ward of the state does not include a foster child who has a foster parent who meets the definition of a parent in § 24:05:13:04.

Source: 16 SDR 41, effective September 7, 1989; 18 SDR 158, effective March 31, 1992; 20 SDR 33, effective September 8, 1993; 23 SDR 31, effective September 8, 1996; 23 SDR 63, effective November 4, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1, 13-37-40, 13-37-41.

CHAPTER 24:05:33.01
EXTRAORDINARY COSTS

Section

- 24:05:33.01:01 Extraordinary Cost Oversight Board.
- 24:05:33.01:02 Terms of board members.
- 24:05:33.01:03 Composition of board.
- 24:05:33.01:04 Board alternates.
- 24:05:33.01:05 Extraordinary costs, Repealed.
- 24:05:33.01:06 Application.
- 24:05:33.01:07 Required documentation.
- 24:05:33.01:08 Calculation of indirect costs, Repealed.
- 24:05:33.01:09 Maximum tax levy required.
- 24:05:33.01:10. No funding of prior year special education expenditures.
- 24:05:33.01:11. Funds set aside for supplemental aid applications.
- 24:05:33.01:12. Priority to high cost student applications.
- 24:05:33.01:13. Reconsideration of extraordinary cost fund applications.
- 24:05:33.01:14. Repayment of funds in excess of allowable fund balance.
- 24:05:33.01:15. Further guidelines and exhaustion of extraordinary cost funds.

24:05:33.01:01. Extraordinary Cost Oversight Board. The department shall establish an Extraordinary Cost Oversight Board to review all school district requests for extraordinary cost funds. The board shall meet a minimum of ~~twice~~ once a year and shall recommend to the secretary those districts which should be approved for extraordinary cost fund expenditures, as well as those districts which should not be approved for such expenditures.

The secretary has final authority to approve or ~~disapprove~~ deny extraordinary cost fund expenditures.

Source: 23 SDR 31, effective September 8, 1996.

General Authority: SDCL 13-37-1.1, 13-37-46.

Law Implemented: SDCL 13-37-1.1, ~~13-37-38, 13-37-46~~ 13-37-40 to 13-37-47, inclusive.

24:05:33.01:05. Extraordinary costs. ~~Extraordinary costs include the cost of providing a free appropriate public education to students with disabilities that is not covered by a district's revenues from the maximum tax levy as defined in SDCL 13-37-16~~ Repealed.

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.~~

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. However, a school district may not apply for extraordinary cost funds for both a high cost program and supplemental aid.~~

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.

24:05:33.01:07. Required documentation. A school district's application for extraordinary cost funds must include the following documentation:

~~(1) The most recent annual financial report of the school district; and~~
~~— (2) For special education funds, the most recent balance sheet and statement of revenues, expenditures, and changes in fund balance, both budgeted and actual, for the portion of the fiscal year completed for special education funds, prepared in accordance with generally accepted accounting principles. Nothing in this section prohibits the department from requesting additional information necessary to review the application.~~

The Extraordinary Cost Oversight Board and the secretary of the Department of Education may not consider an application for extraordinary costs funds if the ~~individual education programs do not meet the requirements of this article~~ school district has outstanding deficiencies which have not been corrected pursuant to chapter 24:05:20, the school district does not use generally accepted accounting principles, or special education revenues and expenditures are not recorded in accordance with the accounting manual provided for in SDCL 4-11-6.

Source: 23 SDR 63, effective January 1, 1997; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

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.

Cross-References:

Individual education program, ch 24:05:27.

Auditing, accounting, and review standards, § 20:37:11:07.

Accounting principles, § 20:37:11:08.

Accounting manual for counties, municipalities, school districts and their agencies, SDCL 4-11-6.

24:05:33.01:08. Calculation of indirect costs. ~~School districts must use the restricted indirect cost rate provisions in 34 C.F.R. §§ 75.564 to 75.568, inclusive, as amended to January 1, 2007 in calculating indirect costs as part of the extraordinary cost fund application. Repealed.~~

Source: 23 SDR 63, effective January 1, 1997; 33 SDR 236, effective July 5, 2007.

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.

24:05:33.01:09. Maximum tax levy required. To be eligible for extraordinary cost funds, a school district must levy ~~and expend~~ the maximum amount allowed pursuant to SDCL 13-37-16. ~~The department may allocate extraordinary cost funds to a school district only after the difference between the actual local tax effort and the required levy has been reconciled.~~

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.

24:05:33.01:10. No funding of prior fiscal year special education expenditures.
Extraordinary cost funds may 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.

24:05:33.01:11. Funds set aside for supplemental aid applications. Ten percent of the total appropriation for extraordinary cost funds shall be set aside to fund applications for extraordinary cost funds for supplemental aid. This ten percent total is the maximum amount which can be used to fund applications for extraordinary cost funds for supplemental aid. If applications are in excess of the ten percent, the secretary may adjust or prorate the requested amounts. The maximum allowable request for an individual school district for extraordinary cost funds based on supplemental aid is \$50,000.

Any unallocated funds from the set aside referenced in this section may be used to fund applications for extraordinary cost funds for high cost students or high cost programs as referenced in §24:05:33.01:12.

Source:

General Authority: SDCL 13-37-1.1.

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

24:05:33.01:12. Priority to high cost student applications. Priority for extraordinary cost funds, except for those funds allocated pursuant to § 24:05:33.01:11, shall first be given to applications for extraordinary cost funds for high cost students and then to applications for extraordinary cost funds for high cost programs.

Source:

General Authority: SDCL 13-37-1.1.

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

24:05:33.01:13. Reconsideration of extraordinary cost fund applications. If a school district's extraordinary cost fund application is denied in whole or in part by the secretary, the school district may submit a written request to the secretary for reconsideration. The request must be submitted via first class United States mail and be postmarked within ten days of receipt of the secretary's decision. The secretary shall issue a decision on the request for reconsideration within ten days of receipt of the request by the secretary. Nothing in this chapter requires the secretary to provide a hearing relating to a district's original application or request for reconsideration.

Source:

General Authority: SDCL 13-37-1.1.

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

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.

24:05:33.01:15. Further guidelines and exhaustion of extraordinary cost funds.

Nothing in this article prohibits the secretary from establishing further guidelines for application, approval, distribution, and expenditure of extraordinary costs funds pursuant to SDCL 13-37-41.

Nothing in this article authorizes the secretary to approve extraordinary cost fund expenditures in excess of the amount set aside pursuant to SDCL 13-37-40.

Source:

General Authority: SDCL 13-37-1.1.

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

ARTICLE 24:08
PROFESSIONAL TEACHERS ETHICS

Chapter

24:08:01	Definitions.
24:08:02	Organization and operation.
24:08:03	Code of professional ethics.
24:08:04	Contested case procedure, Repealed.
24:08:04.01	Complaint procedure.
24:08:05	Evaluation of educators, Void.
24:08:06	Teacher performance standards <u>Transferred.</u>

24:08:01:01. Meaning of terms. Terms used in this article mean:

(1) “Code of professional ethics,” the code of professional ethics set forth in chapter 24:08:03;

(2) “Commission,” the South Dakota Professional Teachers Practices and Standards Commission;

~~(3) “Competency,” the ability to meet successfully the criteria established in the evaluation policy;~~

~~(4)~~(3) “Complainant,” a person, group of persons, organization, or association who files a complaint with the commission;

~~(5)~~(4) “Complaint,” an alleged violation of the code of professional ethics;

~~(6)~~(5) “Teacher,” a person charged with responsibility in the field of education and certified by the secretary of the Department of Education as a teacher or other specialist employed or contracted to provide services in an educational setting;

~~(7)~~ “Evaluatee,” the person being evaluated;

~~(8)~~ “Evaluation process,” a systematic continuous process to assess objectively the professional performance, including preobservation and postobservation conferences, classroom observations, and a plan of assistance where necessary;

~~(9)~~ “Evaluator,” the person doing the evaluating;

~~(10)~~ “Plan of assistance,” a written document detailing procedures to correct identified deficiencies and the assistance which will be provided to the evaluatee during the ensuing school term;

~~(11)~~(6) “Respondent,” a person against whom a complaint is filed;

~~(12)~~(7) “Education specialist,” a person with specialized training or licensure, not serving as a classroom teacher, but employed or contracted to provide services in an educational setting;

~~(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; and

~~(14)~~(8) “NASDTEC clearinghouse,” a database maintained by the National Association of State Directors of Teacher Education and Certification that contains information concerning actions on certificates, licenses, or other credentials as provided by SDCL 13-42-1, 13-42-28, and 13-42-29, which authorize persons to provide services in the field of education.

Source: 2 SDR 40, effective December 9, 1975; 3 SDR 90, effective June 30, 1977; 8 SDR 35, effective October 7, 1981; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 15 SDR 193, effective April 27, 1989; 20 SDR 92, effective December 21, 1993; SL 1995, ch 86, § 4A, effective July 1, 1995; 27 SDR 141, effective July 3, 2001; 31 SDR 89, effective December 29, 2004.

General Authority: SDCL 13-3-69(7), 13-42-3, 13-42-33, 13-43-20, 13-43-25.

Law Implemented: SDCL 13-43-25.

CHAPTER 24:08:06

Transferred to § 24:57:02:01.

TEACHER PERFORMANCE STANDARDS

Section

~~24:08:06:01 ——— Teacher performance standards.~~

~~**24:08:06:01. Teacher performance standards.** Beginning in the 2014-2015 school year, the minimum professional performance standards to be used as a basis for evaluating teacher performance shall be aligned with the twenty two components, clustered into domains one through four, inclusive, in The Framework for Teaching Evaluation Instrument (2011 edition) by Charlotte Danielson Transferred to § 24:57:02:01.~~

~~——— **Source:** 38 SDR 58, effective October 17, 2011; 39 SDR 32, effective September 3, 2012.~~

~~——— **General Authority:** SDCL 13-3-69(7), 13-42-33, 13-42-34.~~

~~——— **Law Implemented:** SDCL 13-3-69(7), 13-42-33, 13-42-34.~~

—— ~~Reference: Charlotte Danielson, **The Framework for Teaching Evaluation Instrument**, published by the Danielson Group, 2011 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.~~

ARTICLE 24:11

PROFESSIONAL ADMINISTRATORS ETHICS

Chapter

- 24:11:01 Definitions.
- 24:11:02 Organization and operation.
- 24:11:03 Code of professional ethics.
- 24:11:04 Complaint procedure.
- 24:11:05 Evaluation of administrators, Void.

24:11:01:01. Meaning of terms. Terms used in this article mean:

- (1) "Commission," the South Dakota Professional Administrators Practices and Standards Commission;
- (2) "Code of professional ethics," the code of professional ethics set forth in chapter 24:11:03;
- (3) "Complaint," an alleged violation of the code of professional ethics for administrators;
- (4) "Complainant," a person, group of persons, organization, or association who files a complaint with the commission;
- (5) "Respondent," an administrator against whom a complaint is filed;
- (6) "Authorities," individuals or agencies locally designated to oversee the code;
- (7) "Chief administrator," an administrator, including a superintendent or chief executive officer (CEO), solely accountable to the appropriate educational governing board, whose responsibilities encompass the total educational operation of a school or district;

(8) "Administrator," any educational administrator other than the chief administrator or business manager;

(9) "Business manager," an educational administrator responsible for fiscal management;

(10) "Policy," a rule, regulation, or standard enacted by the appropriate educational governing board;

~~(11) "Evaluation," a systematic continuous process to assess objectively the professional performance of an administrator;~~

~~(12) "Evaluator," the administrator or member of the appropriate educational governing board doing the evaluating;~~

~~(13) "Evaluatee," the administrator being evaluated;~~

~~(14) "Competency," the ability to meet successfully the criteria established in the evaluation policy; and~~

~~(15)~~(11) "NASDTEC Clearinghouse," a database maintained by the National Association of State Directors of Teacher Education and Certification that contains information concerning actions on certificates, licenses, or other credentials as provided by SDCL 13-42-1, 13-42-28, and 13-42-29, which authorize persons to provide services in the field of education.

Source: 14 SDR 50, effective October 1, 1987; SL 1995, ch 86, § 6A, effective July 1, 1995; 27 SDR 141, effective July 3, 2001; 31 SDR 121, effective March 2, 2005.

General Authority: SDCL 13-3-69(7), ~~13-43-12~~, 13-43-45.

Law Implemented: SDCL 13-43-45.

ARTICLE 24:56

COOPERATION IN EDUCATION

Chapter

24:56:01 School district consortium agreements.

24:56:02 Whole grade sharing agreements.

CHAPTER 24:56:01

SCHOOL DISTRICT CONSORTIUM AGREEMENTS

Section

24:56:01:01 Deadline and requirements for submission of agreements.

24:56:01:02 Criteria for approval of agreements.

24:56:01:03 Decision of the Secretary.

24:56:01:01. Deadline and requirements for submission of agreements. Any agreement between a consortium of school districts exercising joint powers or intergovernmental cooperation referenced in SDCL 13-6-97 must be approved by all participating school districts no later than the February first preceding the school year for which the agreement will take effect. The approved agreement, along with written proof of approval by all participating districts, must be submitted to the Secretary of the Department of Education via first class United States mail and be postmarked no later than five days after approval of the agreement by all participating districts. In addition to complying with all applicable provisions of South Dakota law, the agreement must address significant cost savings to be achieved through the agreement and demonstrate how the educational needs of all students in all participating districts will be

served. The Secretary may also require the participating districts to submit additional information necessary to make the determinations referenced in § 24:56:01:02.

Source:

General Authority: SDCL 13-6-97.

Law Implemented: SDCL 13-6-97.

24:56:01:02. Criteria for approval of agreements. In reviewing agreements referenced in § 24:56:01:01, the Secretary shall consider whether the agreement results in significant cost savings to all participating districts, whether the agreement serves the educational needs of all students in all the participating districts, and whether the agreement otherwise complies with the requirements of this chapter. The Secretary may deny an agreement which fails to comply with any criteria referenced in this section.

Source:

General Authority: SDCL 13-6-97.

Law Implemented: SDCL 13-6-97.

24:56:01:03. Decision of the Secretary. The Secretary shall issue a decision regarding the agreement no later than July 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.

CHAPTER 24:56:02

WHOLE GRADE SHARING AGREEMENTS

Section

24:56:02:01 Criteria for approval of agreements.

24:56:02:02 Decision of the Secretary.

24:56:02:01. Deadline and criteria for approval of agreements. Agreements referenced in SDCL 13-15-30 and 13-15-31 must be submitted to the Secretary via first class United States mail and postmarked no later than five days after approval of the agreement by all participating school districts. The Secretary shall consider whether the agreement complies with the requirements of SDCL 13-15-30 and 13-15-31 and may require the participating districts to submit additional information necessary for this determination. The Secretary may deny any agreement which does not meet the requirements of SDCL 13-15-30 and 13-15-31 or the requirements of this chapter.

Source:

General Authority: SDCL 13-15-32.

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

24:56:02:02. Decision of the Secretary. The Secretary shall issue a decision regarding the agreement no later than July 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 24:57

TEACHER PERFORMANCE STANDARDS AND EVALUATION

Chapter

24:57:01 Definitions

24:57:02 Teacher Evaluation Process

CHAPTER 24:57:01

DEFINITIONS

Section

24:57:01:01 Definitions

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) “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) “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) “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;
- (c) Combines the professional practice rating and student growth rating into one summative effectiveness rating;
- (d) Will be used for continual improvement of instruction; and
- (e) Provides clear, timely, and useful feedback, including feedback that identifies needs and guides professional development.

(6) “Student growth,” the change in 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) “Student growth rating,” the rating assigned to a teacher based on student growth;

(8) “Student learning objectives,” student growth targets written by a teacher and approved by a principal which reflect a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period;

(9) “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) “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.

CHAPTER 24:57:02
TEACHER EVALUATION PROCESS

Section

- 24:57:02:01 Teacher performance standards
- 24:57:02:02 State minimum evaluation requirements.
- 24:57:02:03 Alternative evaluation model.
- 24:57:02:04 Alternative evaluation application.
- 24:57:02:05 Application timelines.
- 24:57:02:06 Effect of application denial.

~~24:08:06:01~~ **24:57:02:01. Teacher performance standards.** Beginning in the 2014-2015 school year, the minimum professional performance standards to be used as a basis for evaluating teacher performance shall be aligned with the ~~twenty two components, clustered in domains one through four, inclusive, in the Framework for Teaching Evaluation Instrument (2011 edition) by Charlotte Danielson~~ Danielson framework.

Source: 38 SDR 58, effective October 17, 2011; 39 SDR 32, effective September 3, 2012, transferred from § 24:08:06:01.

General Authority: SDCL 13-3-69(7), 13-42-33, 13-42-34.

Law Implemented: SDCL 13-3-69(7), 13-42-33, 13-42-34.

Reference: ~~Charlotte Danielson, The Framework for Teaching Evaluation Instrument, published by the Danielson Group, 2011 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.

24:57:02:02. State minimum evaluation requirements. Beginning in the 2014-2015 school year, each school district must, at a minimum, use all the state minimum evaluation requirements when evaluating teachers in the district. .

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.

24:57:02:03. Alternative evaluation model. Notwithstanding § 24:57:02:02, a school district may use a tool other than the Danielson framework to evaluate its teachers if it proves to the department that this tool 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 (c).

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.

24:57:02:04. Alternative evaluation application. If a district chooses to use the options provided in § 24:57:02:03, it must apply on forms provided by the department. The department may require additional documents and information necessary to enable the department to make the determinations referenced in § 24:57:02:03.

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.

24:57:02:05. Application timelines.

All materials specified in § 24:57:02:04 must be received by the department by January thirty-first before the school year in which the district intends to implement the alternative evaluation model. By April 1 of that year, the department shall review the application and all documentation and issue a decision on the application. If a district's model is approved by the department, the district must submit any subsequent revisions for review and approval pursuant to this chapter.

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.

24:57:02:06. Effect of application denial.

The department may deny the application if the district fails to submit all materials specified in § 24:57:02:04 by the deadline or if the department determines that the proposed model does not meet the requirements of § 24:57:02:03. If the application is denied, the district shall comply with all state minimum evaluation requirements for the upcoming school year. Nothing in this chapter requires the department to provide a hearing on the district's application.

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.