

TITLE 24

DEPARTMENT OF EDUCATION

Article

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24:28 and 24:29	Reserved.
24:30	State Library.
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24:40	Scholarships and grants.
24:41	Mentoring.
24:42	State accountability system, <u>Repealed</u> .
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24:44 to 24:49	Reserved.
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24:53	Teacher preparation program approval.
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<u>24:55</u>	<u>Public school accountability system.</u>

ARTICLE 24:42

STATE ACCOUNTABILITY SYSTEM

(Repealed)

Chapter

- 24:42:01 — Definitions.
- 24:42:02 — Federal requirements — Public schools.
- 24:42:03 — Federal requirements — Public school district.
- 24:42:04 — Single statewide accountability system.
- 24:42:05 — State accountability system — All students included.
- 24:42:06 — Method of adequate yearly progress determinations.
- 24:42:07 — Annual decisions.
- 24:42:08 — Student groups.
- 24:42:09 — Additional indicators.
- 24:42:10 — Appeals.
- 24:42:11 — Provisions for public school or public school district changes.

CHAPTER 24 :42:01

DEFINITIONS

Section

- 24:42:01:01 — Definitions.
- 24:42:01:02 — Accountability system defined.
- 24:42:01:03 — Adequate yearly progress (AYP).
- 24:42:01:04 — Full academic year defined.
- 24:42:01:05 — Student groups defined.

— **24:42:01:01. Definitions.** Terms defined in § 24:03:01:01 have the same meaning when used in this article. In addition, terms used in this article mean:

- (1) "Department," Department of Education;

~~—— (2) "Local education agency," "school district," a school district as defined in SDCL 13-5-1 and has an identification code assigned by the Department of Education;~~

~~—— (3) "Public school," "attendance center," a public school that has an identification code assigned by the Department of Education;~~

~~—— (4) "Scientifically based research," research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs;~~

~~—— (5) "Students with disabilities," as defined in § 24:05:24:01;~~

~~—— (6) "Targeted assistance program," a public school selected by a school district to receive funds under Title I, Part A, section 1113(e) (December 13, 2001) for programs that provide services to eligible students;~~

~~—— (7) "Title I, Part A," Improving Basic Programs Operated by Local Education Agencies, of the Elementary and Secondary Act of 1965, as amended, 20 U.S.C. 6301 et seq. January 8, 2002;~~

~~—— (8) "Title I school," "Title I district," a public school or public school district which receives funds under Title I, Part A, of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq., and 34 C.F.R. Part 200, published in the Federal Register on Monday, December 2, 2002.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:01:02. Accountability system defined.** "Accountability system," a system established by the state to ensure that all public school districts and public schools make adequate yearly progress as defined by this article, and meet the following requirements:~~

- ~~—— (1) Is based on the academic standards defined in SDCL 13-3-48;~~
- ~~—— (2) Is based on academic assessments as defined in SDCL 13-3-55;~~
- ~~—— (3) Includes other academic indicators as defined in § 24:42:06:12;~~
- ~~—— (4) Takes into account the achievement of all public elementary school and secondary school students;~~
- ~~—— (5) Is the same accountability system used by the state for all public schools and public school districts; and~~
- ~~—— (6) Establishes a system of consequences for public schools and public school districts, including sanctions, rewards, and recognition.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-62, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-62, 13-3-69(13).~~

~~—— **24:42:01:03. Adequate yearly progress (AYP).** Adequate yearly progress:~~

- ~~—— (1) Applies the same high standards of academic achievement to all public schools and public school districts;~~
- ~~—— (2) Is statistically valid and reliable;~~
- ~~—— (3) Results in continuous and substantial academic achievement for all students;~~
- ~~—— (4) Measures the progress of public schools, public school districts, and the state based primarily on the academic assessments described in SDCL 13-3-55;~~
- ~~—— (5) Includes separate measurable annual objectives for the achievement of all public elementary and secondary school students, including economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency;~~

- ~~—— (6) Includes graduation rates for all public secondary school students;~~
- ~~—— (7) Includes at least one other academic indicator for all public elementary school students;~~
- ~~—— (8) Includes a timeframe for making adequate yearly progress to ensure that not later than the 2013-2014 school year, all students will meet or exceed the state's proficient level of academic achievement;~~
- ~~—— (9) Includes a starting point for measuring the percentage of students meeting or exceeding the state's proficient level of academic performance in reading and mathematics;~~
- ~~—— (10) Includes intermediate goals that increase in equal increments to school year 2013-2014; and~~
- ~~—— (11) Includes annual measurable objectives to identify, each year, a minimum percentage of students that must meet or exceed the state's proficient level of academic achievement on the state's assessments.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-64, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-69(1).~~

~~—— **24:42:01:04. Full academic year defined.** For accountability purposes, 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.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:01:05. Student groups defined.** "Student groups," identification of the following groups of students for defining adequate yearly progress:~~

- ~~—— (1) All public elementary school and secondary school students;~~
- ~~—— (2) Economically disadvantaged students — students who qualify for free and reduced lunch status;~~
- ~~—— (3) Students from major racial and ethnic groups — United States Census Report definitions of White, Black, Asian/Pacific Islander, Hispanic, and Native American;~~
- ~~—— (4) Students with disabilities as defined in § 24:05:24.01:01; and~~
- ~~—— (5) Students who are limited English proficient as defined in subdivision 24:42:08:01(1) and are identified through the state test of limited English proficiency.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

CHAPTER 24:42:02

FEDERAL REQUIREMENTS — PUBLIC SCHOOLS

Section

~~24:42:02:01 — Local review.~~

~~24:42:02:02 — Local review of targeted assistance program.~~

~~24:42:02:03 — Local review may include additional academic indicators.~~

~~24:42:02:04 — Use of additional indicators prohibited under certain circumstances.~~

~~24:42:02:05 — School district must publish results of annual review.~~

~~24:42:02:06 — School district must review effectiveness of actions.~~

~~24:42:02:07 — Opportunity to review school level data.~~

~~24:42:02:08 — School may provide supporting evidence to the school district.~~

~~24:42:02:09 — School district to make public final determination of school status — Timeline.~~

~~24:42:02:10 — School improvement plan — Timeline.~~

~~24:42:02:11 — School improvement plan — Consultation requirement.~~

~~24:42:02:12 — School improvement plan — Responsibilities and strategies.~~

~~24:42:02:13 — School improvement plan — Policies and practices.~~

~~24:42:02:14 — School improvement plan to establish measurable goals.~~

~~24:42:02:15 — School improvement plan — Use of funds under Title I, Part A.~~

~~24:42:02:16 — School improvement plan to include procedures for written notice.~~

~~24:42:02:17 — School improvement plan to include parent involvement.~~

~~24:42:02:18 — School improvement plan — Activities outside of school day or school year.~~

~~24:42:02:19 — School improvement plan — School district responsibilities — Timelines.~~

~~24:42:02:20 — Conditional approval of school improvement plan.~~

~~24:42:02:21 — Implementation of school improvement plan — Timelines.~~

~~24:42:02:22 — Public school choice — Timelines.~~

~~24:42:02:23 — Public school choice — Certain schools prohibited.~~

~~24:42:02:24 — Prohibited schools — Parent choice.~~

~~24:42:02:25 — Public school choice — Denial based on capacity prohibited.~~

~~24:42:02:26 — Public school choice — Student priority.~~

~~24:42:02:27 — Public school choice — Student status.~~

~~24:42:02:28 — Public school choice — Duration of transfer — Transportation.~~

~~24:42:02:29 — No eligible schools within a school district.~~

~~24:42:02:30 — Public school choice — Transportation.~~

~~24:42:02:31 — Public school choice — Students with disabilities and students covered under Section 504 of the Rehabilitation Act of 1973.~~

~~24:42:02:32 — Technical assistance.~~

~~24:42:02:33 — Technical assistance providers.~~

~~24:42:02:34 — Components of technical assistance.~~

~~24:42:02:35 — Supplemental educational services defined.~~

~~24:42:02:36 — Supplemental educational services — Eligibility.~~

~~24:42:02:37 — Supplemental educational services — District requirements.~~

~~24:42:02:38 — Supplemental educational services — Funding — Timelines.~~

~~24:42:02:39 — School district may request waiver from department — Required conditions.~~

~~24:42:02:40 — Department notice of waiver status — Timelines.~~

~~24:42:02:41 — Annual renewal of waiver.~~

~~24:42:02:42 — Supplemental educational services — Insufficient funds — Student priority.~~

~~24:42:02:43 — Supplemental educational services provider defined.~~

~~24:42:02:44 — Supplemental educational services — School district responsibilities.~~

~~24:42:02:45 — School district agreement with supplemental educational services provider — Agreement requirements.~~

~~24:42:02:46 — Provider agreement — Students with disabilities and students covered under Section 504.~~

~~24:42:02:47 — Payment for religious worship or instruction prohibited.~~

~~24:42:02:48 — Department responsibilities for supplemental educational services.~~

~~24:42:02:49 — Supplemental educational services provider requirements for department approval.~~

~~24:42:02:50 — Supplemental educational services provider staff qualifications.~~

~~24:42:02:51 — School improvement — Level 1 — Timelines.~~

~~24:42:02:52 — School identified for school improvement after beginning of school year — Requirements.~~

~~24:42:02:53 — School improvement — Level 1 — School district responsibilities.~~

~~24:42:02:54 — School improvement — Level 2 — School district responsibilities — Timelines.~~

~~24:42:02:55 — School fails to make adequate yearly progress — Level 3 — Corrective action.~~

~~24:42:02:56 — Corrective action defined.~~

~~24:42:02:57 — Schools in corrective action — School district requirements.~~

~~24:42:02:58 — Specific corrective actions.~~

~~24:42:02:59 — School fails to make adequate yearly progress — Level 4 — Restructuring.~~

~~24:42:02:60 — Restructuring defined.~~

~~24:42:02:61 — Restructuring — School district requirements.~~

~~24:42:02:62 — School restructuring — Notice to parents and teachers.~~

~~24:42:02:63 — School district implementation of restructuring plan — Level 5 — Timelines.~~

~~24:42:02:64 — Implementation of restructuring plan — School district responsibilities.~~

~~24:42:02:65 — Exception to implementation of restructuring plan.~~

~~24:42:02:66 — School district delay of requirements.~~

~~24:42:02:67 — School identification — Further actions.~~

~~24:42:02:68 — School removal from identification status.~~

~~24:42:02:69 — Communication with parents.~~

~~24:42:02:70 — Methods of providing information.~~

~~24:42:02:71 — Notice of identification for improvement, corrective action, or restructuring.~~

~~24:42:02:72 — Notice requirements.~~

~~24:42:02:73 — School district must publish information about action taken.~~

24:42:02:74—Information requirements.

— ~~24:42:02:01. Local review.~~ Each Title I district must use the results of the state assessment system to annually review the progress of each Title I school to determine whether the school is making adequate yearly progress.

— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

— ~~24:42:02:02. Local review of targeted assistance program.~~ In reviewing the progress of an elementary or secondary school operating a targeted assistance program, a school district may choose to review the progress of only the students served, or are eligible for services under Title I, Part A. A school district may use this option only if the students selected for services under the targeted assistance program are those with the greatest need, consistent with Title I, Part A, section 1115.

— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

— ~~24:42:02:03. Local review may include additional academic indicators.~~ To determine whether Title I schools are making adequate yearly progress, a school district may use additional academic assessments or any other academic indicators described in the district's plan under section 1112 of Title I, Part A. The school district may use additional assessments and indicators to:

— (1) Identify additional schools for school improvement or in need of corrective action or restructuring; and

—— ~~(2) Permit a school to make adequate yearly progress as described in § 24:42:06:09.~~

—— ~~Source: 30 SDR 181, effective May 20, 2004.~~

—— ~~General Authority: SDCL 13-3-67, 13-3-69.~~

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

—— ~~**24:42:02:04. Use of additional indicators prohibited under certain circumstances.** A school district may not, except for the provisions of § 24:42:04:10, use additional academic assessments or indicators to reduce the number or change the identity of schools that would otherwise be identified for school improvement, corrective action, or restructuring if the additional indicators were not used by the district.~~

—— ~~Source: 30 SDR 181, effective May 20, 2004.~~

—— ~~General Authority: SDCL 13-3-67, 13-3-69.~~

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

—— ~~**24:42:02:05. School district must publish results of annual review.** School districts must publish and disseminate the results of its annual progress review to parents, teachers, principals, schools, and the community.~~

—— ~~Source: 30 SDR 181, effective May 20, 2004.~~

—— ~~General Authority: SDCL 13-3-67, 13-3-69.~~

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

—— ~~**24:42:02:06. School district must review effectiveness of actions.** School districts must review the effectiveness of actions and activities that schools carry out under Title I, Part A, relative to parental involvement, professional development, and other activities.~~

—— ~~Source: 30 SDR 181, effective May 20, 2004.~~

—— ~~General Authority: SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:07. Opportunity to review school level data.** Before identifying a school for school improvement, under §§ 24:42:02:51 and 24:42:02:54, correction action under § 24:42:02:55, or restructuring under § 24:42:02:59, a school district must provide the school with an opportunity to review school level data, including academic assessment data, on which the proposed identification is based.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:08. School may provide supporting evidence to the school district.** If the principal of a school that a school district proposes to identify for school improvement, corrective action, or restructuring believes, or a majority of the parents of the students enrolled in the school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the school district. The school district must consider the evidence before making a final determination of school status.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:09. School district to make public final determination of school status -- Timeline.** The school district must make public a final determination of the status of the school with respect to identification within 30 days after it provides the school with the opportunity to review the data on which the proposed identification is based.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:10. School improvement plan -- Timeline.** Not later than three months after a school district has identified a school for improvement under § 24:42:02:51, the school must develop or revise a school improvement plan for approval by the district. The school improvement plan must cover a two-year period.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:11. School improvement plan -- Consultation requirement.** The school must consult with parents, school staff, the school district, and outside experts in developing or revising its school improvement plan.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:12. School improvement plan -- Responsibilities and strategies.** The school improvement plan must:~~

~~—— (1) Specify the responsibilities of the school, the school district, and the department, including the technical assistance to be provided by the school district under §§ 24:42:02:32 to 24:42:02:34, inclusive;~~

~~—— (2) Incorporate strategies, grounded in scientifically based research, that will strengthen instruction in the core academic subjects at the school and address the specific academic issues that caused the school district to identify the school for improvement; and~~

~~—— (3) May include a strategy for implementing a comprehensive school reform model described in section 1606 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:13. School improvement plan -- Policies and practices.** With regard to the school's core academic subjects, the school must adopt as part of its plan policies and practices most likely to ensure that all groups of students described in § 24:42:01:05 and enrolled in the school will meet the state's proficient level of achievement, as measured by the state's assessment system, not later than the 2013-2014 school year.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:14. School improvement plan to establish measurable goals.** Each school improvement plan must establish measurable goals that:~~

~~—— (1) Address the specific reasons for the school's failure to make adequate yearly progress; and~~

~~—— (2) Promote, for each group of students described in § 24:42:01:05, and enrolled in the school, continuous and substantial progress that ensures that all these groups meet the state's annual measurable objectives described in § 24:42:06:08.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

—— ~~24:42:02:15. School improvement plan -- Use of funds under Title I, Part A.~~ Each school improvement plan must provide an assurance that the school will spend not less than 10 percent of the allocation it receives under Title I, Part A, for each year that the school is in school improvement status, for the purpose of providing high quality professional development to the school's teachers, principal, and, as appropriate, other instructional staff. The professional development must:

—— (1) Directly address the academic achievement problem that caused the school to be identified for school improvement;

—— (2) Be provided in a manner that affords increased opportunity for participation; and

—— (3) Incorporates teacher mentoring activities or programs.

—— The plan must also describe how Title I, Part A, funds will be used to remove the school from school improvement status.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:02:16. School improvement plan to include procedures for written notice.~~ Each school improvement plan must describe how the school will provide written notice about the improvement identification to parents of each student enrolled in the school.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

~~24:42:02:17. School improvement plan to include parent involvement.~~ Each school improvement plan must include strategies to promote effective parental involvement at the school.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:18. School improvement plan -- Activities outside of school day or school year.~~ As appropriate, each school improvement plan must incorporate activities before school, after school, during the summer, and during any extension of the school year.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:19. School improvement plan -- School district responsibilities -- Timelines.~~

Within 45 days of receiving a school improvement plan, the school district must:

~~(1) Establish a peer review process to assist with the review of the plan;~~

~~(2) Promptly review the plan;~~

~~(3) Work with the school to make any necessary revisions; and~~

~~(4) Approve the plan if it meets the requirements of §§ 24:42:02:10 to 24:42:02:18,~~

~~inclusive.~~

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~—— **24:42:02:20. Conditional approval of school improvement plan.** A school district may condition approval of the school improvement plan on:~~

~~—— (1) Inclusion of one or more of the corrective actions specified in §§ 24:42:02:55 to 24:42:02:58, inclusive; or~~

~~—— (2) Feedback on the plan from parents and community leaders.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:21. Implementation of school improvement plan -- Timelines.** A school must implement its school improvement plan immediately on approval of the plan by the school district.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:22. Public school choice -- Timelines.** If a school district identifies a school in need of improvement under §§ 24:42:02:51 and 24:42:02:54, for corrective action under § 24:42:02:55; or for restructuring under § 24:42:02:59, it must provide all students enrolled in the school with the option to transfer to another public school served by the district. The district must offer this option before the first day of the school year following the year in which the district administered the assessments that resulted in its identification of the school for improvement, corrective action, or restructuring.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

—— ~~**24:42:02:23. Public school choice -- Certain schools prohibited.**~~ Students may not transfer to schools within the district which:

—— (1) Have been identified by the school district for school improvement, correction action, or restructuring under the provisions of this chapter; or

—— (2) Are persistently dangerous as determined by the state in accordance with Title IX, section 9532 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6302 et seq. January 8, 2002.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~**24:42:02:24. Prohibited schools -- Parent choice.**~~ If more than one school meets the provisions of § 24:42:02:23, the school district must provide to parents of students eligible to transfer a choice of more than one such school and take into account the parents' preferences among the choices offered.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~**24:42:02:25. Public school choice -- Denial based on capacity prohibited.**~~ A school district may not use lack of capacity to deny students the option to transfer to another public school served by the district.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:02:26. Public school choice -- Student priority.** In providing students the option to transfer to another public school within the district, the school district must give priority to the lowest achieving students from low-income families. The school district must determine family income on the same basis that it uses to make allocations to schools under Title I, Part A.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:02:27. Public school choice -- Student status.** Any public school to which a student transfers under the provisions of this chapter must ensure that the student is enrolled in classes and other activities in the school in the same manner as all other students in the school.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:02:28. Public school choice -- Duration of transfer -- Transportation.** If a student transfers to another public school within the district under the provisions of this chapter, the school district must permit the student to remain in that school until the student has completed the highest grade in the school. The district's obligation to provide transportation is limited to the requirements of § 24:42:02:30.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

~~24:42:02:29. No eligible schools within a school district.~~ If all public schools to which a student may transfer within the district are identified for school improvement under §§ 24:42:02:51 and 24:42:02:54, corrective action pursuant to § 24:42:02:55, or restructuring pursuant to § 24:42:02:59, the district:

~~(1) Must, to the extent practicable, establish a cooperative agreement for a transfer with one or more school districts in the area; and~~

~~(2) May offer supplemental services described in §§ 24:42:02:35 to 24:42:02:50, inclusive, to schools in their first year of school improvement under § 24:42:02:51.~~

~~Source: 30 SDR 181, effective May 20, 2004.~~

~~General Authority: SDCL 13-3-67, 13-3-69.~~

~~Law Implemented: SDCL 13-3-67, 13-3-69(13).~~

~~24:42:02:30. Public school choice -- Transportation.~~ If a student transfers to another public school under the provisions of this chapter, the school district must provide or pay for the student's transportation to the school. The district's obligation to provide transportation for the student ceases at the end of the school year in which the student's regular attendance center is no longer identified for improvement, corrective action, or restructuring under the provisions of this chapter.

~~To pay for choice related transportation, the school district may use:~~

~~(1) Funds allocated under Title I, Part A;~~

~~(2) Funds, where allowable, from other federal education programs; and~~

~~(3) State, local, or private resources.~~

~~Source: 30 SDR 181, effective May 20, 2004.~~

~~General Authority: SDCL 13-3-67, 13-3-69.~~

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

—— ~~**24:42:02:31. Public school choice — Students with disabilities and students covered under Section 504 of the Rehabilitation Act of 1973.**~~ For students with disabilities as defined in § 24:05:24.01:01 and students covered under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. No. 93-516, 29 U.S.C. 794, the public school choice option must provide a free appropriate public education as that term is defined in § 24:05:13:02 or 34 C.F.R. 104.33, respectively, November 13, 2000.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~**24:42:02:32. Technical assistance.**~~ A school district that identifies a school for improvement under the provisions of this chapter must ensure that the school receives technical assistance as the school develops and implements its improvement plan under §§ 24:42:02:10 to 24:42:02:21, inclusive, and throughout the plan's duration.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~**24:42:02:33. Technical assistance providers.**~~ A school district may arrange for the technical assistance to be provided by one or more of the following:

—— (1) The school district through the statewide system of school support and recognition described under Title I, Part A, subpart 1, section 1117, January 8, 2002;

—— (2) The department;

~~—— (3) An institution of higher education that is in full compliance with all of the reporting provisions of Title II of the Higher Education Act of 1965; or~~

~~—— (4) A private not for profit organization, a private for profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:34. Components of technical assistance.** Technical assistance provided by the school district must include the following:~~

~~—— (1) Assistance in analyzing data from the state assessment system, and other examples of student work, to identify and develop solutions to problems in instruction; implementation of the parent involvement and professional development requirements of the school improvement plan described in §§ 24:42:02:10 to 24:42:02:21, inclusive; and implementation of district and school level responsibilities under the plan;~~

~~—— (2) Assistance in identifying and implementing professional development and instructional strategies and methods that have proved effective, through scientifically based research, in addressing the specific instructional issues that caused the district to identify the school for improvement;~~

~~—— (3) Assistance in analyzing and revising the school's budget so that the school allocates its resources more effectively to activities most likely to increase student academic achievement and remove the school from improvement status; and~~

~~—— (4) Technical assistance must be based on scientifically based research.~~

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

— **24:42:02:35. Supplemental educational services defined.** Supplemental educational services means tutoring and other supplemental academic and enrichment services that are:

— (1) In addition to instruction provided during the school day;

— (2) Specifically designed to:

— (a) Increase the academic achievement of eligible students as measured by the state's assessment system; and

— (b) Enable those students to attain proficiency in meeting the state's academic achievement standards; and

— (3) Of high quality and research based.

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

— **24:42:02:36. Supplemental educational services -- Eligibility.** Only students from low-income families are eligible for supplemental educational services. The district must determine family income on the same basis that the district uses to make allocations to schools under Title I, Part A.

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

~~24:42:02:37. Supplemental educational services -- District requirements.~~ If a school district identifies a school for a level 2 improvement pursuant to § 24:42:02:54, corrective action under § 24:42:02:55, or restructuring under § 24:42:02:59, the district must arrange, consistent with § 24:42:02:42, for each eligible student in the school to receive supplemental educational services from a state approved provider selected by the student's parents.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:38. Supplemental educational services -- Funding -- Timelines.~~ The school district must, consistent with the funding requirements of 34 C.F.R. 200.48 (December 2, 2002), continue to make available supplemental educational services to eligible students until the end of the school year in which the district is making those services available.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:39. School district may request waiver from department -- Required conditions.~~ At the request of a school district, the department may waive, in whole or in part, the requirement that the district make available supplemental educational services if the department determines that:

~~(1) None of the providers of those services on the list approved by the department under §§ 24:42:02:43 to 24:42:02:50, inclusive, makes those services available in the area served by the district or within a reasonable distance of that area; and~~

~~—— (2) The district provides evidence that it is not otherwise able to make those services available.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:40. Department notice of waiver status -- Timelines.** The department must notify the school district within 30 days of receiving the district's request for a waiver, whether it approves or disapproves the request. If the department disapproves the request, it must provide the district with the reasoning for disapproval in writing.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:41. Annual renewal of waiver.** A school district that receives a waiver must renew its request for this waiver on an annual basis.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:42. Supplemental educational services -- Insufficient funds -- Student priority.** If the amount of funds available for supplemental educational services is insufficient to provide services to each student whose parents request these services, the school district must give priority to the lowest achieving students.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

—— ~~24:42:02:43. Supplemental educational services provider defined.~~ Supplemental educational services provider means a non-profit entity, a for-profit entity, a school district, an educational service agency, a public school, or a private school that:

—— (1) ~~Has a demonstrated record of effectiveness in increasing the academic achievement of students in subjects relevant to meeting the state's academic content and student achievement standards;~~

—— (2) ~~Is capable of providing supplemental educational services that are consistent with the instructional program of the school district and with the state academic content standards and state student achievement standards;~~

—— (3) ~~Is financially sound; and~~

—— (4) ~~Is not a public school or school district that has been identified for school improvement, corrective action, or restructuring under the provisions of this chapter.~~

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:02:44. Supplemental educational services -- School district responsibilities.~~ If a school district is required to make available supplemental educational services to schools identified in level 2 improvement under § 24:42:02:54, corrective action under § 24:42:02:55, or restructuring under § 24:42:02:59, the district must do the following:

—— (1) ~~Provide annual notice to parents as described in § 24:42:02:72;~~

—— (2) ~~If requested, assist parents in choosing a provider from the list of approved providers maintained by the department;~~

~~— (3) Apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all eligible students whose parents request services;~~

~~— (4) Ensure that students with disabilities as defined in § 24:05:24.01:01 and students covered under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. No. 93-516, 29 U.S.C. 794, January 8, 2002, receive appropriate supplemental educational services and accommodations in the provision of those services;~~

~~— (5) Ensure that eligible students who have limited English proficiency receive appropriate supplemental educational services and language assistance in the provision of those services; and~~

~~— (6) Not disclose to the public, without the written permission of the student's parents, the identity of any student who is eligible for or receiving supplemental services.~~

~~— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~— **24:42:02:45. School district agreement with supplemental educational services provider -- Agreement requirements.** The school district must enter into an agreement with each provider selected by the student's parent or parents. The agreement must:~~

~~— (1) Require the district to develop, in consultation with the parents and provider, a statement that includes:~~

~~— (a) Specific achievement goals for the student;~~

~~— (b) A description of how the student's progress will be measured; and~~

~~— (c) A timetable for improving achievement;~~

~~—— (2) Describe procedures for regularly informing the student's parents and teachers of the student's progress;~~

~~—— (3) Provide for the termination of the agreement if the provider is unable to meet the goals and timetables specified in the agreement;~~

~~—— (4) Specify how the school district will pay the provider; and~~

~~—— (5) Prohibit the provider from disclosing to the public, without the written permission of the student's parents, the identity of any student who is eligible for or receiving supplemental educational services.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:46. Provider agreement -- Students with disabilities and students covered under Section 504.** Students with disabilities as defined in § 24:05:24.01:01 or students covered under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. No. 93-516, 29 U.S.C. 794, January 8, 2002, the provisions of the agreement must be consistent with the student's individualized education program as described in § 24:05:27:01:03 or the student's individualized services under Section 504.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~24:42:02:47. Payment for religious worship or instruction prohibited.~~ A school district may not pay a supplemental educational services provider for religious worship or instruction.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:48. Department responsibilities for supplemental educational services.~~ If one or more school districts are required to make available supplemental educational services to schools in level 2 school improvement under § 24:42:02:54, corrective action under § 24:42:02:55, or restructuring under § 24:42:02:59, the department will:

~~(1) Consult with the school districts, parents, teachers, and other interested members of the public, promote participation by as many providers as possible, including annual notice to potential providers of the opportunity to provide supplemental educational services, and procedures for obtaining the department's approval to be a provider of those services;~~

~~(2) Consistent with § 24:42:02:43, develop and apply objective criteria to potential providers;~~

~~(3) Maintain an updated list of approved providers across the state, by school district, from which parents may select;~~

~~(4) Develop, implement, and publicly report on standards and techniques for:~~

~~(a) Monitoring the quality and effectiveness of the services offered by each approved provider; and~~

~~———— (b) Withdrawing approval from a provider that fails, for two consecutive years, to contribute to increasing the academic proficiency of students receiving supplemental educational services from that provider;~~

~~———— (5) Ensure that students with disabilities as defined in § 24:05:24.01:01 and students covered under Section 503 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. No. 93-516, 29 U.S.C. 794, January 8, 2002, receive appropriate supplemental educational services and accommodations in the provision of those services; and~~

~~———— (6) Ensure that eligible students who have limited English proficiency receive appropriate supplemental educational services and language assistance in the provision of those services.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:49. Supplemental educational services provider requirements for department approval.** In order for the department to include a provider on the state list, the provider must agree to:~~

~~———— (1) Provide parents of each student receiving supplemental educational services and the school district with information on the progress of the student in increasing achievement in an understandable and uniform format, in alternative formats upon request, and to the extent practicable, in a language that the parents can understand; and~~

~~———— (2) Ensure that the instruction the provider gives and the content the provider uses:~~

~~———— (a) Are consistent with the instruction provided and content used by the school district and department;~~

~~———— (b) Are aligned with state student academic achievement standards;~~

~~———— (c) Are secular, neutral, and non-ideological; and~~

~~———— (d) Meet all applicable federal, state, and local health, safety, and civil rights laws.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:50. Supplemental educational services provider staff qualifications.** As a condition of approval, the department may not require a provider to hire only staff who meet the requirements of 34 C.F.R. 200.55 and 200.56 (December 2, 2002).~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:51. School improvement -- Level 1 -- Timelines.** A school district must identify for school improvement any elementary or secondary school served under Title I, Part A, that fails, for two consecutive years, to make adequate yearly progress as defined in chapter 24:42:06. The school district must identify a school for improvement before the beginning of the school year following the year in which the school district administered the assessments that resulted in the school's failure to make adequate yearly progress for a second consecutive year.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:52. School identified for school improvement after beginning of school year -- Requirements.** If a school district identifies a school for improvement after the beginning of~~

~~the school year following the year in which the district administered the assessments that resulted in the school's failure to make adequate yearly progress for a second consecutive year, the following requirements apply:~~

~~—— (1) The school is subject to the requirements of school improvement described in § 24:42:02:53 immediately upon identification, including the provision of school choice; and~~

~~—— (2) The school district must count that school year as a full school year for the purposes of subjecting the school to additional improvement measures if the school continues to fail to make adequate yearly progress.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:53. School improvement -- Level 1 -- School district responsibilities.** If a school district identifies a school for school improvement, the district must:~~

~~—— (1) Before the first day of the school year following identification, except for the conditions described in § 24:42:02:52, provide all students enrolled in the school with the option to transfer to another public school served by the district in accordance with § 24:42:02:22 to 24:42:02:31, inclusive;~~

~~—— (2) Ensure the school receives technical assistance as described in § 24:42:02:32 to 24:42:02:34, inclusive; and~~

~~—— (3) The school must develop or revise a school improvement plan that meets the requirements of § 24:42:02:10 to 24:42:02:21, inclusive.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:54. School improvement -- Level 2 -- School district responsibilities --**~~

~~**Timelines.** If a school fails to make adequate yearly progress by the end of the first full school year after level 1 identification described in § 24:42:02:51, the school district must:~~

~~—— (1) Continue to provide all students enrolled in the school with the option to transfer, in accordance with §§ 24:42:02:22 to 24:42:02:31, inclusive;~~

~~—— (2) Continue to ensure that the school receives technical assistance described in §§ 24:42:02:32 to 24:42:02:34, inclusive; and~~

~~—— (3) Make available supplemental educational services in accordance with §§ 24:42:02:35 to 24:42:02:50, inclusive.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:55. School fails to make adequate yearly progress -- Level 3 -- Corrective action.** If a school served by a school district fails to make adequate yearly progress by the end of the second full school year after level 2 identification described in § 24:42:02:54, the school district must identify the school for corrective action pursuant to § 24:42:02:56.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:56. Corrective action defined.** Corrective action means action by a school district that:~~

~~—— (1) Substantially and directly responds to the consistent academic failure of a school that led the district to identify the school for corrective action and any underlying staffing, curriculum, or other problems in the school;~~

~~—— (2) Is designed to increase substantially the likelihood that each group of students described in § 24:42:01:05 and enrolled in the school will meet or exceed the state's proficient levels of achievement as measured by the state assessment system; and~~

~~—— (3) Is consistent with state law.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:57. Schools in corrective action -- School district requirements.** If a school district identifies a school for corrective action, the district must do the following:~~

~~—— (1) Continue to provide all students enrolled in the school with the option to transfer to another public school in accordance with §§ 24:42:02:22 to 24:42:02:31, inclusive;~~

~~—— (2) Continue to ensure that the school receives technical assistance consistent with the requirements of §§ 24:42:02:32 to 24:42:02:34, inclusive; and~~

~~—— (3) Make available supplemental educational services in accordance with §§ 24:42:02:35 to 24:42:02:50, inclusive.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~24:42:02:58. Specific corrective actions.~~ In addition to the requirements of § 24:42:02:57, if a school district identifies a public school for corrective action, the district must take at least one of the following corrective actions:

~~(1) Replace the school staff who are relevant to the school's failure to make adequate yearly progress;~~

~~(2) Institute and fully implement a new curriculum, including the provision of appropriate professional development for all relevant staff, that is grounded in scientifically based research, and offers substantial promise of improving educational achievement for low achieving students and of enabling the school to make adequate yearly progress;~~

~~(3) Significantly decrease management authority at the school level;~~

~~(4) Appoint one or more outside experts to advise the school on:~~

~~(a) Revising the school improvement plan developed under §§ 24:42:02:10 to 24:42:02:21, inclusive, to address the specific issues underlying the school's continued failure to make adequate yearly progress and resulting in identification for corrective action; and~~

~~(b) Implementing the revised improvement plan;~~

~~(5) Extend for that school the length of the school day or school year; or~~

~~(6) Restructure the internal organization of the school.~~

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:02:59. School fails to make adequate yearly progress -- Level 4 --~~

Restructuring. If a school continues to fail to make adequate yearly progress after one full

~~school year of corrective action under §§ 24:42:02:55 to 24:42:02:58, inclusive, the school district must prepare a restructuring plan for the school.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:60. Restructuring defined.** Restructuring means a major reorganization of a school's staffing and governance arrangement by a school district that:~~

~~—— (1) Makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school;~~

~~—— (2) Has substantial promise of enabling the school to make adequate yearly progress as defined in § 24:42:01:03; and~~

~~—— (3) Is consistent with state law.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:61. Restructuring — School district requirements.** If a school district identifies a school for restructuring, the school district must do the following:~~

~~—— (1) Continue to provide all students enrolled in the school with the option to transfer to another public school in accordance with §§ 24:42:02:22 to 24:42:02:31, inclusive;~~

~~—— (2) Make available supplemental educational services in accordance with §§ 24:42:02:35 to 24:42:02:50, inclusive; and~~

~~—— (3) Prepare a plan to carry out one of the following alternative governance arrangements:~~

~~—— (a) Reopen the school as a public charter school;~~

~~———— (b) Replace all or most of the school staff, which may include the principal, who are relevant to the school's failure to make adequate yearly progress;~~

~~———— (c) Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the school as a public school;~~

~~———— (d) Turn the operation of the school over to the department, if permitted under state law and agreed to by the state; and~~

~~———— (e) Any other major restructuring of a school's governance arrangement consistent with this section.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:62. School restructuring -- Notice to parents and teachers.** The school district must provide prompt notice to parents and teachers that it has identified a public school for restructuring and provide parents and teachers the opportunity to comment before the district takes any action on the restructuring plan, and participate in the development of the restructuring plan.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:63. School district implementation of restructuring plan -- Level 5 -- Timelines.** If a public school continues to fail to make adequate yearly progress, the school district must implement the restructuring plan no later than the beginning of the school year~~

following the year in which the district developed the restructuring plan under §§ 24:42:02:59 to 24:42:02:61, inclusive.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:02:64. Implementation of restructuring plan -- School district responsibilities.~~

The school district must continue to offer public school choice pursuant to §§ 24:42:02:22 to 24:42:02:31, inclusive, and offer supplemental educational services pursuant to §§ 24:42:02:35 to 24:42:02:50, inclusive.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:02:65. Exception to implementation of restructuring plan.~~ A school district is no longer required to carry out the requirements of §§ 24:42:02:63 and 24:42:02:64 if the restructured school makes adequate yearly progress for two consecutive school years.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:02:66. School district delay of requirements.~~ A school district may delay, for a period not to exceed one year, implementation of the requirements under the second year of school improvement pursuant to § 24:42:02:54, under corrective action pursuant to §§ 24:42:02:57 and 24:42:02:58, or under restructuring as described in §§ 24:42:02:59 to 24:42:02:64, inclusive, if:

~~—— (1) The school makes adequate yearly progress for one year; or~~

~~—— (2) The school's failure to make adequate yearly progress is due to exceptional circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the school district or the school.~~

~~—— The school district may not take into account a period of delay in determining the number of consecutive years of the school's failure to make adequate yearly progress.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:67. School identification -- Further actions.** Except as provided in § 24:42:02:68, the school district must subject the school to further actions as if the delay never occurred.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:68. School removal from identification status.** If any school identified for school improvement under §§ 24:42:02:51 and 24:42:02:54, corrective action under § 24:42:02:55, or restructuring under § 24:42:02:59, makes adequate yearly progress for two consecutive years, the school district may not, for the succeeding school year:~~

~~—— (1) Subject the school to the requirements of school improvement under §§ 24:42:02:53 and 24:42:02:54, corrective action under §§ 24:42:02:57 and 24:42:02:58, and restructuring under §§ 24:42:02:59 to 24:42:02:64, inclusive; or~~

~~—— (2) Identify the school for improvement under the provisions of this chapter.~~

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

— **24:42:02:69. Communication with parents.** Throughout the school improvement process, the department, school district, or school must communicate with the parents of each student attending the school.

— The state, school district, or school must ensure that, regardless of the method or media used, it provides the information required in §§ 24:42:02:71 to 24:42:02:74, inclusive, in an understandable and uniform format, including alternate formats upon request, and to the extent practicable, in a language that parents can understand.

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

— **24:42:02:70. Methods of providing information.** The department, school district, or school must provide information to parents:

— (1) Directly, through such means as regular mail or e-mail, except that if a state does not have access to student addresses, it may provide information to the school district or school for distribution to parents; and

— (2) Through broader means of dissemination such as the Internet, the media, and public agencies serving the student population and their families.

— All communications must respect the privacy of students and their families.

— **Source:** 30 SDR 181, effective May 20, 2004.

— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:02:71. Notice of identification for improvement, corrective action, or restructuring.** If a school district identifies a school for improvement under §§ 24:42:02:51 or 24:42:02:54, corrective action under § 24:42:02:55, or restructuring under §§ 24:42:02:59 to 24:42:02:64, inclusive, the school district must, consistent with the requirements of §§ 24:42:02:69 and 24:42:02:70, promptly notify the parent or parents of each student enrolled in the school of this identification.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:02:72. Notice requirements.** The notice required by § 24:42:02:71 must include the following:

—— (1) An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary and secondary schools served by the school district and the department involved;

—— (2) The reasons for the identification;

—— (3) An explanation of how parents can become involved in addressing the academic issues that led to identification;

—— (4) An explanation of the parents' option to transfer their child to another public school, including the provision of transportation to the new school, in accordance with §§ 24:42:02:22 to 24:42:02:31, inclusive;

~~———— (a) The explanation of the parents' option to transfer must include, at a minimum, information on the academic achievement of the school or schools to which the student may transfer;~~

~~———— (b) The explanation may include other information on the school or schools to which the student may transfer, such as: a description of any special academic programs or facilities; the availability of before school or after school programs; the professional qualifications of teachers in the core academic subjects; and a description of parental involvement opportunities;~~

~~———— (5) If the school is in its second year of improvement or subject to corrective action or restructuring, an explanation of how parents can obtain supplemental educational services for their child in accordance with §§ 24:42:02:35 to 24:42:02:50, inclusive. The annual notice of the availability of supplemental educational services must include at a minimum:~~

~~———— (a) The identify of approved providers of those services available within the school district, including providers of technology based or distance learning supplemental educational services, and providers that make services reasonably available in the neighboring school districts; and~~

~~———— (b) A brief description of the services, qualifications, and demonstrated effectiveness of the approved providers of supplemental educational services.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~———— **24:42:02:73. School district must publish information about action taken.** A school district must publish and disseminate to the parents of each student enrolled in the school, consistent with the requirements of §§ 24:42:02:69 and 24:42:02:70, and to the public~~

~~information regarding any action taken by a school and the school district to address the problems that led to the school district's identification of the school for improvement, corrective action, or restructuring under the provisions of this chapter.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:02:74. Information requirements.** The information required in § 24:42:02:74 must include the following:~~

~~—— (1) An explanation of what the school is doing to address the problem of low achievement;~~

~~—— (2) An explanation of what the school district or department is doing to help the school address the problem of low achievement; and~~

~~—— (3) If applicable, a description of specific corrective actions or restructuring plans.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

CHAPTER 24:42:03

FEDERAL REQUIREMENTS -- PUBLIC SCHOOL DISTRICT

Section

~~24:42:03:01 — Department review of public school district.~~

~~24:42:03:02 — Department review of targeted assistance program.~~

~~24:42:03:03 — Rewards.~~

~~24:42:03:04 — Opportunity to review public school district data.~~

~~24:42:03:05 — Public school district may provide supporting evidence to the department.~~

~~24:42:03:06 — Department to make final determination of district status — Timeline.~~

~~24:42:03:07 — Public school district identification for improvement — District improvement level 1.~~

~~24:42:03:08 — Public school district improvement plan — Duration — Submit to department.~~

~~24:42:03:09 — Public school district improvement plan — Consultation requirement.~~

~~24:42:03:10 — Content of public school district improvement plan.~~

~~24:42:03:11 — Public school district implementation of district improvement plan.~~

~~24:42:03:12 — Department technical assistance — Purpose.~~

~~24:42:03:13 — Department technical assistance — Requirements.~~

~~24:42:03:14 — Public school district identification for improvement — District improvement level 2 — District responsibilities.~~

~~24:42:03:15 — Public school district identified for level 1 or level 2 improvement to continue public school choice and supplemental educational services.~~

~~24:42:03:16 — Public school district identified for corrective action — District improvement level 3 — Timelines.~~

~~24:42:03:17 — Definition of public school district corrective action.~~

~~24:42:03:18 — Department to provide notice and opportunity for a hearing.~~

~~24:42:03:19 — Department to provide technical assistance to public school districts identified for corrective action.~~

~~24:42:03:20 — Department requirements for identification of a public school district for corrective action.~~

~~24:42:03:21 — Public school district identified for district improvement level 3 — Corrective action to continue provision of public school choice and supplemental educational services.~~

~~24:42:03:22 — Department delay of corrective action.~~

~~24:42:03:23 — Public school district removal from improvement or correction action status.~~

~~24:42:03:24 — Department communication with parents.~~

~~24:42:03:25 — Department methods of providing information.~~

~~24:42:03:26 — Department to publicize results of review.~~

~~24:42:03:27 — Department notice of identification of a public school district for improvement or corrective action.~~

~~24:42:03:28 — Department to publish corrective action.~~

~~—— **24:42:03:01. Department review of public school district.** The department must annually review the progress of each public school district in the state that receives funds under Title I, Part A, to determine if:~~

~~—— (1) The public school district's schools served under Title I, Part A, are making adequate yearly progress as defined in § 24:42:01:03, toward meeting the state's academic achievement standards as defined in § 24:42:04:07; and~~

~~—— (2) The public school district is carrying out its responsibilities under Title I, Part A, with respect to school improvement, technical assistance, parental involvement, and professional development.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:02. Department review of targeted assistance program.** In reviewing the progress of a public school district, the department may, in the case of targeted assistance schools served by the district, consider the progress of only the students served, or eligible for services~~

~~under Title I, Part A, provided the students selected for services in targeted assistance programs are those with the greatest need for special assistance, consistent with Title I, Part A, section 1115.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:03. Rewards.** If a school district has exceeded adequate yearly progress as defined in § 24:42:01:03 for two consecutive years, the department may make rewards described under Title I, Part A, section 1117.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:04. Opportunity to review public school district data.** Before identifying a public school district for improvement under § 24:42:03:07, or corrective action under § 24:42:03:16, the department must provide the district with an opportunity to review the data, including academic assessment data, on which the department has based the proposed identification.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:05. Public school district may provide supporting evidence to the department.** If a school district believes that the proposed identification is in error for statistical~~

or other substantive reasons, the district may provide supporting evidence to the department. The department must consider the evidence before making a final determination of school status.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:03:06. Department to make final determination of district status -- Timeline.~~

The department must make a final determination of district identification status within 30 days after it has provided the public school district with the opportunity to review the data under § 24:42:03:04.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:03:07. Public school district identification for improvement -- District~~

~~improvement level 1.~~ The department must identify for improvement a public school district that, for two consecutive years, fails to make adequate yearly progress as defined in § 24:42:01:03.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

—— ~~General Authority:~~ SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:03:08. Public school district improvement plan -- Duration -- Submit to~~

~~department.~~ Not later than three months after the department has identified a public school district for improvement under § 24:42:03:07, the district must develop or revise a public school district improvement plan. The plan must cover two years and be submitted to the department.

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:09. Public school district improvement plan -- Consultation requirement.**~~

~~The public school district must consult with parents, school staff, and others in developing or revising its improvement plan.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:10. Content of public school district improvement plan.** The public school district improvement plan must:~~

~~—— (1) Incorporate strategies, grounded in scientifically based research, that will strengthen instruction in core academic subjects in schools served by the district;~~

~~—— (2) Identify actions that have the greatest likelihood of improving the achievement of participating students in meeting the state's student academic achievement standards;~~

~~—— (3) Address the professional development needs of the instructional staff serving the district by committing to spend for professional development not less than 10 percent of the allocation it receives under Title I, Part A, for each fiscal year the department identifies the district for improvement;~~

~~—— (4) Include specific measurable achievement goals and targets:~~

~~—— (a) For each of the groups of students under § 24:42:01:05; and~~

~~—— (b) That are consistent with adequate yearly progress as defined in § 24:42:01:03;~~

~~—— (5) Address the fundamental teaching and learning needs in the schools of the district and the specific academic problems of low achieving students, including why the district's previous plan failed to bring about increased student academic achievement;~~

~~—— (6) As appropriate, incorporate activities before school, after school, during the summer, and during any extension of the school year;~~

~~—— (7) Specify the responsibilities of the department and district under the plan, including the technical assistance the department must provide under §§ 24:42:03:12 and 24:42:03:13, and the district's fiscal requirements under Title I, Part A, section 1120A; and~~

~~—— (8) Include strategies to promote effective parental involvement in the schools served by the public school district.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:11. Public school district implementation of district improvement plan.** The public school district must implement the district improvement plan no later than the beginning of the school year following the year in which the district administered the assessments that resulted in the district's failure to make adequate yearly progress for a second consecutive year and led to the department's identification of the district for improvement under § 24:42:03:07.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:12. Department technical assistance -- Purpose.** If the department identifies a public school district for improvement under § 24:42:03:07, it must, if requested, provide or~~

arrange for the provision of technical or other assistance to the district. The purpose of technical assistance is to better enable the district to develop and implement its improvement plan and work with schools needing improvement.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:13. Department technical assistance --- Requirements.** The technical assistance provided by the department or an entity authorized by the department must:

—— (1) Be supported by effective methods and instructional strategies grounded in scientifically based research; and

—— (2) Address problems, if any, in implementing parental involvement and professional development activities.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:14. Public school district identification for improvement --- District improvement level 2 --- District responsibilities.** A public school district will be identified by the department for district improvement, level 2, if it fails to make adequate yearly progress the first full year after identification for improvement under § 24:42:03:07. The district must continue to implement its improvement plan required under § 24:42:03:08.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

~~24:42:03:15. Public school district identified for level 1 or level 2 improvement to continue public school choice and supplemental educational services.~~ The department must ensure that a public school district identified under § 24:42:03:07 or 24:42:03:14 for improvement continues to offer public school choice pursuant to §§ 24:42:02:22 to 24:42:02:31, inclusive, and supplemental educational services pursuant to §§ 24:42:02:35 to 24:42:02:50, inclusive.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:03:16. Public school district identified for corrective action --- District improvement level 3 --- Timelines.~~ After providing technical assistance to a public school district under §§ 24:42:03:12 and 24:42:03:13, the department may take corrective action at any time with respect to a district that the department has identified for improvement under § 24:42:03:07 or 24:42:03:14. The department must take corrective action with respect to a public school district that fails to make adequate yearly progress as defined in § 24:42:01:03 by the end of the second full school year following the year in which the district administered the assessments that resulted in the district's failure to make adequate yearly progress for a second consecutive year and led to the department's identification of the district for improvement.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

~~General Authority:~~ SDCL 13-3-67, 13-3-69.

~~Law Implemented:~~ SDCL 13-3-67, 13-3-69(13).

~~24:42:03:17. Definition of public school district corrective action.~~ Corrective action means action by the department that:

~~—— (1) Substantially and directly responds to the consistent academic failure that caused the department to identify the district for corrective action and any underlying staffing, curriculum, or other problems in the public school district;~~

~~—— (2) Is designed to meet the goal that each group of students defined in § 24:02:01:05 and enrolled in the district's public schools will meet or exceed the state's proficient levels of achievement as measured by the state assessment system; and~~

~~—— (3) Is consistent with state law.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:18. Department to provide notice and opportunity for a hearing.** Before implementing any corrective action under § 24:42:03:20, the department must provide notice and a hearing pursuant to SDCL chapter 1-26 no later than 45 days following the decision to take corrective action.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:19. Department to provide technical assistance to public school districts identified for corrective action.** If the department identifies a public school district for corrective action, it must continue to make available technical assistance as described in §§ 24:42:03:12 and 24:42:03:13 to the district.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

—— **24:42:03:20. Department requirements for identification of a public school district for corrective action.** ~~If the department identifies a public school district for corrective action, it must take at least one of the following actions:~~

—— ~~(1) Defer programmatic funds or reduce administrative funds;~~

—— ~~(2) Institute and fully implement a new curriculum based on state and local content and academic achievement standards, including the provision of appropriate professional development for all relevant staff that is grounded in scientifically based research and offers substantial promise of improving educational achievement for low achieving students;~~

—— ~~(3) Replace the public school district personnel who are relevant to the failure to make adequate yearly progress;~~

—— ~~(4) Remove particular public schools from the jurisdiction of the public school district and establish alternative arrangements for public governance and supervision of these schools;~~

—— ~~(5) Appoint a receiver or trustee to administer the affairs of the public school district in place of the superintendent and school board;~~

—— ~~(6) Abolish or restructure the public school district;~~

—— ~~(7) In conjunction with subdivisions 24:42:03:20(1) to (6), inclusive, authorize students to transfer from a public school operated by the public school district to a higher performing public school operated by another public school district in accordance with public school choice pursuant to §§ 24:42:02:22 to 24:42:02:31, inclusive, and provide or pay for the costs of transportation to the other school consistent with § 24:42:02:30.~~

—— **Source:** ~~30 SDR 181, effective May 20, 2004.~~

—— **General Authority:** ~~SDCL 13-3-67, 13-3-69.~~

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

—— ~~24:42:02:21. Public school district identified for district improvement level 3~~
~~Corrective action to continue provision of public school choice and supplemental educational services.~~ The department must ensure that a public school district identified for corrective action under § 24:42:03:16 continues to provide public school choice under the provisions of §§ 24:42:02:22 to 24:42:02:31, inclusive, and supplemental educational services under the provisions of §§ 24:42:02:35 to 24:42:02:50, inclusive.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— ~~24:42:03:22. Department delay of corrective action.~~ The department may delay implementation of corrective action under § 24:42:03:20 for a period not to exceed one year if:

—— (1) The public school district makes adequate yearly progress for one year; or

—— (2) The public school district's failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the district's financial resources.

—— The department may not take into account the period of delay in determining the number of consecutive years the district has failed to make adequate yearly progress.

—— The department must subject the district to further actions following the period of delay as if the delay never occurred.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:23. Public school district removal from improvement or corrective action status.** If a public school district makes adequate yearly progress for two consecutive years following identification for improvement under § 24:42:03:07 or 24:42:03:14, or corrective action under § 24:42:03:16, the department need no longer identify the district for improvement or subject the district to corrective action for the succeeding school year.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:24. Department communication with parents.** The department must communicate with parents throughout the review of the public school district under §§ 24:42:03:01 to 24:42:03:07, inclusive, and §§ 24:42:03:16, 24:42:03:22, and 24:42:03:23.

—— The department must ensure that, regardless of the method or media used, it provides information to parents in an understandable format, including alternative formats upon request, and to the extent practicable, in a language the parents can understand.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:25. Department methods of providing information.** The department must provide information to the parents of each student enrolled in a school served by the public school district:

~~—— (1) Directly, through such means as regular mail or e-mail, except that if the department does not have access to individual student addresses, it may provide information to the district or public school for distribution to parents; and~~

~~—— (2) Through broader means of dissemination such as the Internet, the media, and public agencies serving the student population and their families.~~

~~—— All communications must respect the privacy of students and their families.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:26. Department to publicize results of review.** The department must promptly publicize and disseminate to the public school districts, teachers and other staff, the parents of each student enrolled in a public school served by the district, students, and the community the results of its review under the provisions of this chapter, including statistically sound disaggregated results.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **24:42:03:27. Department notice of identification of a public school district for improvement or corrective action.** If the department identifies a public school district for improvement under § 24:42:03:07 or subjects the district to corrective action under § 24:42:03:20, the department must promptly provide to the parents of each student enrolled in a public school served by the district the reasons for the identification and an explanation of how parents can participate in improving the public school district.~~

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

—— **24:42:03:28. Department to publish corrective action.** The department must publish, and disseminate to the parents of each student enrolled in a school served by the public school district and to the public, information on any corrective action taken under § 24:42:03:20. The department must provide this information in a uniform and understandable format and alternative formats if requested. To the extent practicable, information must be provided in a language that parents can understand. The department must disseminate this information through such means as the Internet, the media, and public agencies.

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

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

CHAPTER 24:42:04

SINGLE STATEWIDE ACCOUNTABILITY SYSTEM

Section

24:42:04:01 — State accountability system.

24:42:04:02 — Adequate yearly progress decisions for all public schools and public school districts.

24:42:04:03 — Public schools with no grades assessed — Determination of adequate yearly progress.

24:42:04:04 — Public school districts and schools accountable for achievement of student groups.

~~24:42:04:05 — Criteria for making adequate yearly progress determination.~~

~~24:42:04:06 — Special considerations.~~

~~24:42:04:07 — Achievement levels.~~

~~24:42:04:08 — Consequences and rewards.~~

~~24:42:04:09 — State consequences.~~

~~24:42:04:10 — Requirements for all public schools.~~

~~24:42:04:11 — State levels and consequences for public schools.~~

~~24:42:04:12 — Public school audit.~~

~~24:42:04:13 — Department to review audit.~~

~~24:42:04:14 — State levels and consequences for public school districts.~~

~~24:42:04:15 — Public school rewards — Distinguished schools.~~

~~24:42:04:16 — State accountability system reviewed.~~

~~—— **24:42:04:01. State accountability system.** The department shall implement policies and procedures for a state accountability system consistent with SDCL 13-3-62 to 13-3-68, inclusive, and the requirements of this article.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-62, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:04:02. Adequate yearly progress decisions for all public schools and public school districts.** The department shall make an annual adequate yearly progress determination for all public school districts and schools, including:~~

~~—— (1) Public schools with variant grade configurations;~~

~~—— (2) Public schools that serve special populations;~~

~~—— (3) Public schools with no grades assessed as defined in SDCL 13-3-55; and~~

~~—— (4) Public schools that produce insufficient results in one year to reach minimum group size as defined in § 24:42:08:08.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:04:03. Public schools with no grades assessed -- Determination of adequate yearly progress.** For accountability purposes, the department shall link public schools that have no grades assessed with public schools into which their students feed, and adequate yearly progress determinations shall apply to the feeder school.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:04:04. Public school districts and schools accountable for achievement of student groups.** All public school districts and schools will be held accountable, through adequate yearly progress determination, for the academic achievement of student groups as defined in § 24:42:01:05.~~

~~—— A determination of adequate yearly progress shall not be required when the number of students in a subgroup is insufficient to yield statistically reliable information, or the results would reveal personally identifiable information about an individual student.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~24:42:04:05. Criteria for making adequate yearly progress determination.~~ The department shall use the same criteria when making adequate yearly progress determinations for all public school and public school districts.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:04:06. Special considerations.~~ For accountability purposes, the department will implement the following actions:

~~(1) Each rural attendance center and colony school will be treated as a public school;~~

~~(2) Academic achievement test scores of students attending an alternative school will be counted at the student's resident attendance center, if the alternative school is an academic extension of the public school;~~

~~(3) Academic achievement test scores of students attending the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf will be counted at the student's resident public school;~~

~~(4) If a student's public school or public school district decides to educate the student at an attendance center or program other than the student's resident attendance center, the student's academic achievement test scores will be counted at the student's resident attendance center; and~~

~~(5) The academic achievement test scores of students placed in juvenile correctional institutions and private/non-profit programs by the Department of Corrections or Unified Judicial System will be counted at the student's resident school district.~~

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

— ~~**Law Implemented:** SDCL 13-3-69(13).~~

— ~~**24:42:04:07. Achievement levels.** The department will use the following levels of academic achievement for reading and mathematics: advanced, proficient, basic, and below basic. These levels of achievement are based on grade level content standards as approved by the South Dakota Board of Education, standards performance descriptors, and cut scores within the scoring data for achievement levels on the state's assessment system in reading and mathematics.~~

— ~~**Source:** 30 SDR 181, effective May 20, 2004.~~

— ~~**General Authority:** SDCL 13-3-48, 13-3-55, 13-3-66, 13-3-69.~~

— ~~**Law Implemented:** SDCL 13-3-66, 13-3-69(3)(4)(5).~~

— ~~**24:42:04:08. Consequences and rewards.** The system of consequences for public schools and public school districts includes sanctions, rewards, and recognition. The consequences and rewards component of the state's accountability system serves primarily to promote enhanced learning and teaching.~~

— ~~**Source:** 30 SDR 181, effective May 20, 2004.~~

— ~~**General Authority:** SDCL 13-3-67, 13-3-69.~~

— ~~**Law Implemented:** SDCL 13-3-67, 13-3-69(7)(8).~~

— ~~**24:42:04:09. State consequences.** State consequences and rewards apply to all public schools and public school districts.~~

— ~~**Source:** 30 SDR 181, effective May 20, 2004.~~

— ~~**General Authority:** SDCL 13-3-67, 13-3-69.~~

— ~~**Law Implemented:** SDCL 13-3-67, 13-3-69(7)(8).~~

— ~~**24:42:04:10. Requirements for all public schools.** All public schools, including Title I schools, must:~~

~~—— (1) Participate in state assessments as defined in SDCL 13-3-55;~~

~~—— (2) Report state assessment results to the public; and~~

~~—— (3) Report state accountability results to the public, including school designation levels defined in §§ 24:42:04:11, 24:42:04:13, 24:42:02:51, 24:42:02:54, 24:42:02:55, and 24:42:02:59.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:04:11. State levels and consequences for public schools.** The public school designation levels and consequences are:~~

~~—— (1) Level 0; public school fails to meet adequate yearly progress for one year. The public school is notified by the department. There are no consequences for level 0 public schools;~~

~~—— (2) Level 1; public school fails to meet adequate yearly progress two years in a row from 2002-2003 school year. The school develops and implements a two-year school improvement plan, participates in a peer review of the plan; the plan is approved by the school district;~~

~~—— (3) Level 2; public school fails to meet adequate yearly progress for an additional year after Level 1. The school evaluates the implementation and effectiveness of the school improvement plan and continues implementation of the plan;~~

~~—— (4) Level 3; public school fails to meet adequate yearly progress for an additional year after Level 2. The school evaluates the implementation of the school improvement plan and its effectiveness, revises the plan as necessary, and continues its implementation;~~

~~—— (5) Level 4; public school fails to meet adequate yearly progress for an additional year after Level 3. The school district will conduct a school audit and inform the department of its~~

~~recommendations. The school evaluates and continues implementation of the school improvement plan; and~~

~~—— (6) Level 5; public school fails to meet adequate yearly progress for an additional year after Level 4. The school implements the recommendations of the school audit; the school district monitors implementation of audit recommendations.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-67, 13-3-69(7).~~

~~—— **24:42:04:12. Public school audit.** For public schools identified at levels 4 and 5, the public school district will conduct an audit of the school, using an audit tool provided by the department, to determine areas of need. An audit team, consisting of public school district personnel, a school support team member assigned by the department, and outside experts identified by the public school district or department, will conduct the audit. The audit team will report its findings and recommendations to the department.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:04:13. Department to review audit.** Department representatives will review public school audit findings and recommendations. If the department does not agree with public district audit findings and recommendations, the department will issue its own findings and recommendations, which will be binding on the public school.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

—— **Law Implemented:** SDCL 13-3-69(13).

—— ~~24:42:04:14. State levels and consequences for public school districts.~~ The department shall implement the following public school district designation levels and consequences:

—— (1) ~~District alert status, fails to meet adequate yearly progress for one year. There are no consequences for alert status;~~

—— (2) ~~District improvement, level 1; public school district fails to meet adequate yearly progress two years in a row from the 2002-2003 school year. The district must submit a two-year district school improvement plan to the department. The department will provide technical assistance if requested;~~

—— (3) ~~District improvement, level 2; public school district fails to meet adequate yearly progress an additional year after level 1. The district evaluates the implementation and effectiveness of the district school improvement plan, and continues to implement the plan;~~

—— (4) ~~District improvement, level 3; public school district fails to meet adequate yearly progress an additional year after level 2. The school district will receive an audit from the department and implement its recommendations. The department will establish a monitoring plan with the district.~~

—— **Source:** 30 SDR 181, effective May 20, 2004.

—— **General Authority:** SDCL 13-3-67, 13-3-69.

—— **Law Implemented:** SDCL 13-3-67, 13-3-69(8).

—— ~~24:42:04:15. Public school rewards -- Distinguished schools.~~ The department shall identify a public school as a distinguished school if it meets the following criteria:

—— (1) ~~The public school made adequate yearly progress for two consecutive years in both reading and mathematics;~~

~~—— (2) The public school must have an average of at least 10 students in each grade tested;~~

~~—— (3) The public school decreased by 10 percent over a two-year period the difference in the percentage of students in a student group meeting proficient and advanced levels of academic achievement as compared to the academic achievement levels of the remaining student groups; or~~

~~—— (4) At least 80 percent of all students enrolled in the public school have met the state's proficient and advanced levels of student achievement in both reading and mathematics.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-67, 13-3-69.~~

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

~~—— **Cross-Reference:** Student groups defined, § 24:42:01:05.~~

~~—— **24:42:04:16. State accountability system reviewed.** The state accountability system will be reviewed by the department to assure that it is fair and appropriate for the state's public schools and public school districts, and it conforms to the requirements of Pub. L. No. 107-110, ss 1111(b)(2)(A), 155 Stat 1425, as in effect on January 1, 2003.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(12).~~

CHAPTER 24:42:05

STATE ACCOUNTABILITY SYSTEM-- ALL STUDENTS INCLUDED

Section

~~24:42:05:01— All public school students assessed.~~

~~24:42:05:02— All public schools, public school districts, and student groups held accountable.~~

~~24:42:05:03— Students included in measures of other academic indicators.~~

24:42:05:04 — Students assigned out of district.

24:42:05:05 — Dually enrolled students.

24:42:05:06 — Students enrolled for a full academic year.

24:42:05:07 — Student transfers during testing timelines.

24:42:05:08 — Students with disabilities identified after October first.

24:42:05:09 — Student moves.

24:42:05:10 — Student moves, full academic year not met.

— **24:42:05:01. All public school students assessed.** All students enrolled in public school shall be assessed in accordance with the provisions of SDCL 13-3-55.

— **Source:** 30 SDR 181, effective May 20, 2004.

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

— **Law Implemented:** SDCL 13-3-69(13).

— **24:42:05:02. All public schools, public school districts, and student groups held accountable.** All public schools, public school districts, and student groups shall be held accountable for achievement levels defined in § 24:42:02:07.

— **Source:** 30 SDR 181, effective May 20, 2004.

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

— **Law Implemented:** SDCL 13-3-69(13).

— **24:42:05:03. Students included in measures of other academic indicators.** All students enrolled in public school shall be included in measures of other academic indicators defined in chapter 24:42:09.

— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(13).

—— **24:42:05:04. Students assigned out of district.** For accountability purposes, the student achievement scores of students assigned out of district and enrolled in a school that serves the special needs of students will be counted at the student's resident public school.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(13).

—— **24:42:05:05. Dually enrolled students.** For accountability purposes, the student achievement scores of students who are dually enrolled will be counted at the public school where the student spends greater than 50 percent of the school day.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(13).

—— **24:42:05:06. Students enrolled for a full academic year.** The achievement scores of students enrolled for a full academic year in a public school will be counted at the public school level for adequate yearly progress determinations.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(13).

—— **24:42:05:07. Student transfers during testing timelines.** Achievement scores of students who transfer from one public school to another public school between October 1 and the end of the testing timeline within the same public school district will be counted at the public school district level for adequate yearly progress determinations. 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 will be counted at the state level for adequate yearly progress determinations.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:05:08. Students with disabilities identified after October first.** For accountability purposes, the achievement scores of a student enrolled in a public school for a full academic year but was not identified as a student with a disability as defined in § 24:05:24.01:01 until after October 1 will be counted in the group of all elementary school and all secondary school students for the public school and public school district. Achievement scores for these students will not be counted in the group of students with disabilities.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:05:09. Student moves.** All students are required to take the state assessment at their current public school during the testing timeline. 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:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~24:42:05:10. 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 achievement scores will not count at the public school level or public school district level when the department makes adequate yearly progress determinations.~~

~~Source: 30 SDR 181, effective May 20, 2004.~~

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

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

CHAPTER 24:42:06

METHOD OF ADEQUATE YEARLY PROGRESS DETERMINATIONS

Section

24:42:06:01 — Definitions.

24:42:06:02 — Academic content areas in accountability system.

24:42:06:03 — School and district accountability calculation.

24:42:06:04 — All schools and districts held accountable.

24:42:06:05 — Starting point calculation for adequate yearly progress — Content area and grade span.

24:42:06:06 — Starting point calculation.

24:42:06:07 — Intermediate goals established.

24:42:06:08 — Annual measurable objectives established.

24:42:06:09 — Adequate yearly progress determinations.

24:42:06:10 — School improvement.

24:42:06:11 — Participation rate.

24:42:06:12 — Other academic indicators.

~~24:42:06:01. Definitions.~~ The following definitions apply to this chapter:

~~(1) "Adequate yearly progress," as defined in § 24:42:01:03;~~

~~(2) "Annual measurable objectives," annual measures which identify a minimum percentage of students that must meet or exceed the proficient level of academic achievement on the state's academic assessments to ensure that all students meet or exceed the state's proficient level of academic achievement not later than the 2013-2014 school year;~~

~~(3) "Confidence interval," a calculation to take into consideration statistical error in order to ensure valid outcomes;~~

~~(4) "Intermediate goal," measures of public school and public school district attainment of adequate yearly progress from the starting point which increase in equal increments over time to school year 2013-2014 to reach proficiency for all students in academic achievement;~~

~~(5) "School status score," the number of students enrolled in a public school or public school district for a full academic year as defined in § 24:42:01:04 that are either proficient or advanced divided by the total number of students assessed and enrolled for a full academic year;~~

~~(6) "Starting point," measure of the percentage of public elementary school and secondary school students meeting or exceeding the state's proficient level of academic achievement in reading and mathematics based on school year 2002-2003 school status score and school enrollment.~~

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

~~Law Implemented:~~ SDCL 13-3-69(1)(5)(13).

~~24:42:06:02. Academic content areas in accountability system.~~ The academic content areas of reading and mathematics are included in accountability decisions for public schools and

~~public school districts. The department will make separate calculations of adequate yearly progress for public schools, public school districts, and student groups to determine the levels described in § 24:42:04:07.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(2)(6).~~

~~—— **24:42:06:03. School and district accountability calculation.** The department will calculate adequate yearly progress for public school and public school districts in the same manner.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(2).~~

~~—— **24:42:06:04. All schools and districts held accountable.** All public schools and all public school districts are accountable for all students meeting proficiency in reading and mathematics not later than the 2013-2014 school year.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(2)(6).~~

~~—— **24:42:06:05. Starting point calculation for adequate yearly progress --- Content area and grade span.** Separate starting point calculations will be determined by the department for the content areas of reading and mathematics. Starting points will be calculated separately for the grade spans of elementary/middle school and high school, in the areas of reading and mathematics respectively.~~

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(2)(6).

—— **24:42:06:06. Starting point calculation.** The department shall calculate the starting point for adequate yearly progress by ranking public schools school status score and identifying the status of the public school at the 20th percentile of state school enrollment.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(2)(6).

—— **24:42:06:07. Intermediate goals established.** Intermediate goals require public schools and public school districts to increase their minimum performance from the starting point to all students proficient in reading and mathematics in five equal intervals, with each increase occurring no more than three years apart, to school year 2013-2014. Separate intermediate goals will be defined for the grade spans of elementary/middle school and high school.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(2)(6).

—— **24:42:06:08. Annual measurable objectives established.** Annual measurable objectives for academic progress through school year 2013-2014 in reading and mathematics will be consistent with the state's intermediate goals. Annual measurable objectives will meet the following criteria:

—— (1) Ensure that all students meet or exceed the state's proficient level of academic achievement in reading and mathematics not later than school year 2013-2014;

~~—— (2) Identify for each year through 2013-2014 a minimum percentage of students who must meet or exceed the proficient level of academic achievement in reading and mathematics;~~

~~—— (3) Are the same throughout the state for each public school, public school district, and subgroup of students; and~~

~~—— (4) Separate annual measurable objectives will be identified for the grade spans of elementary/middle school and high school.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~—— **General Authority:** SDCL 13-3-64, 13-3-69.~~

~~—— **Law Implemented:** SDCL 13-3-64, 13-3-69(6).~~

~~—— **24:42:06:09. Adequate yearly progress determinations.** A public school, public school district, and student group will be considered to have met adequate yearly progress if at least one of the following conditions apply:~~

~~—— (1) The school's, district's, and student group's status score meets or exceeds the annual measurable objective for that year; or~~

~~—— (2) The school's, district's, and student group's score, inclusive of a confidence interval, in the most recent year is equal to or greater than the target annual measurable objective; or~~

~~—— (3) The school's, district's, and student group's average score for reading and mathematics over the two most recent years is equal to or greater than the target annual measurable objective, inclusive of confidence intervals;~~

~~—— (4) The school's, district's, and student group's participation rate meets the requirements of § 24:42:06:11; and~~

~~—— (5) The school's attendance or graduation rate meets the requirements of § 24:42:06:12.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

—— **Law Implemented:** SDCL 13-3-69(2).

—— **24:42:06:10. School improvement.** If, in any year, a student group does not meet annual measurable objectives, the student group, public school, or public school district may be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement in reading and mathematics for that year decreased by 10 percent of that percentage from the preceding school year; that subgroup made progress on one or more of the academic indicators defined in § 24:42:06:12; and that group had at least 95 percent participation on the state assessment.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(2).

—— **24:42:06:11. Participation rate.** In order to make adequate yearly progress, the public school, public school district, and student group must have at least 95 percent of the students enrolled in the tested grades defined in SDCL 13-3-55 on the last day of the testing timeline participate in the state assessments. If a student group, public school, or public school district has 40 or fewer students enrolled in the tested grades, then it shall have not more than two students not participate in the state assessments.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

—— **Law Implemented:** SDCL 13-3-69(2).

~~—— **24:42:06:12. Other academic indicators.** In order to make adequate yearly progress, a public school, public school district, and student group must meet or exceed the following academic indicators as defined by the department:~~

~~—— (1) The state's graduation rate as described in chapter 24:42:09 as applicable to schools or districts that include grade 12; and~~

~~—— (2) The state's average daily attendance rate as described in chapter 24:42:09 as applicable to schools or districts which do not enroll students in grade 12.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(2).~~

CHAPTER 24:42:07

ANNUAL DECISIONS

Section

~~24:42:07:01 — Annual adequate yearly progress decisions.~~

~~24:42:07:02 — Adequate yearly progress requirements.~~

~~24:42:07:03 — Adequate yearly progress for schools and districts with less than 10 students tested.~~

~~—— **24:42:07:01. Annual adequate yearly progress decisions.** The state shall make an annual determination of adequate yearly progress for all public schools and public school districts.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:07:02. Adequate yearly progress requirements.** A public school or public school district will be considered to have made adequate yearly progress if the requirements of §§ 24:42:06:09 to 24:42:06:12, inclusive, are met.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:07:03. Adequate yearly progress for schools and districts with less than 10 students tested.** The department shall use the following criteria to determine adequate yearly progress for public schools and public school districts that have less than 10 students enrolled for a full academic year and tested in the grades assessed as defined in SDCL 13-3-55:~~

~~—— (1) If the sum over the two most recent years of the number of students enrolled for a full academic year and tested is equal or greater than 10, the public school or public school district will be considered to have met adequate yearly progress if:~~

~~—— (a) The school's, district's, and student group's average score for reading and mathematics over the two most recent years is equal to or greater than the target annual measurable objective, inclusive of confidence intervals;~~

~~—— (b) The school's, district's, and student group's participation rate meets the requirements of § 24:42:04:11; and~~

~~—— (c) The school's attendance or graduation rate meets the requirements of § 24:42:06:12; and~~

~~—— (2) If the public school or public school district does not meet the minimum student number described in subdivision (1), the department shall conduct further analysis of public~~

~~school and public school district data in the areas of reading and mathematics to make adequate yearly progress determinations.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

CHAPTER 24:42:08

STUDENT GROUPS

Section

~~24:42:08:01 — Definitions.~~

~~24:42:08:02 — Student groups must make adequate yearly progress.~~

~~24:42:08:03 — Public schools and public school districts held accountable.~~

~~24:42:08:04 — Students with disabilities.~~

~~24:42:08:05 — Participation of students who are limited English proficient.~~

~~24:42:08:06 — Students who are limited English proficient — Full academic year.~~

~~24:42:08:07 — Minimum student group size — Reporting.~~

~~24:42:08:08 — Minimum student group size — Accountability.~~

~~24:42:08:09 — Student group size — Personally identifiable information.~~

~~—— **24:42:08:01. Definitions.** The following definition applies to this chapter:~~

~~—— (1) "Limited English proficient," means an individual:~~

~~—— (a) Who is aged 3 through 21;~~

~~—— (b) Who is enrolled or preparing to enroll in an elementary school or secondary school;~~

~~—— (c) Who was not born in the United States or whose native language is a language other than English;~~

~~————— (i) Who is a Native American or Alaska Native, or a native resident of outlying areas; and~~

~~————— (ii) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or~~

~~————— (iii) Who is migratory, whose native language is a language other than English, and who comes from an environment where language other than English is dominant; and~~

~~————— (d) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:~~

~~————— (i) The ability to meet the state's proficient level of achievement of state assessments defined in § 24:42:04:07;~~

~~————— (ii) The ability to successfully achieve in classrooms where the language of instruction is English; or~~

~~————— (iii) The opportunity to participate fully in society.~~

~~————— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~————— **Law Implemented:** SDCL 13-3-69(13).~~

~~————— **24:42:08:02. Student groups must make adequate yearly progress.** Student groups must make adequate yearly progress in reading and mathematics as defined in §§ 24:42:06:09 to 24:42:06:12, inclusive.~~

~~————— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~————— **Law Implemented:** SDCL 13-3-69(13).~~

~~24:42:08:03. Public schools and public school districts held accountable.~~ Public schools and public school districts are accountable for the progress of student groups in determination of adequate yearly progress.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:08:04. Students with disabilities.~~ Students with disabilities will participate in the state's assessment provided in §§ 24:05:14:14 and 24:05:27:01.03(5).

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:08:05. Participation of students who are limited English proficient.~~ All students who are identified as limited English proficient will participate in the state's assessment system with appropriate accommodations.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:08:06. Students who are limited English proficient -- Full academic year.~~ The assessment results of students identified as limited English proficient who have been enrolled in their resident public school district for at least one full academic year will be counted in the public school and public school district's determination of adequate yearly progress. Students who are limited English proficient and have not been enrolled in a public school district for a full academic year must participate in the state's assessment; however, their assessment results will

~~not be included in public school and public school district determination of adequate yearly progress.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:08:07. Minimum student group size -- Reporting.** The department shall use a minimum size of 10 students for each student group for reporting accountability results.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:08:08. Minimum student group size -- Accountability.** The department shall use a minimum size of 10 students, inclusive of a confidence interval, when calculating adequate yearly progress for each student subgroup.~~

~~—— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~—— **Law Implemented:** SDCL 13-3-69(13).~~

~~—— **24:42:08:09. Student group size -- Personally identifiable information.** To conform with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. ss 1232g, 34 C.F.R. Part 99, the department will use a minimum group size of 10 students for each subgroup when it reports accountability results. If a student group has less than 10 students, that group's accountability results will not be reported. The department will not report student group results when the majority of students in a group have the same student achievement level as defined in § 24:42:04:07.~~

— **Source:** 30 SDR 181, effective May 20, 2004.

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

— **Law Implemented:** SDCL 13-3-69(13).

CHAPTER 24:42:09

ADDITIONAL INDICATORS

Section

24:42:09:01 — Definitions.

24:42:09:02 — Definition of graduation rate.

24:42:09:03 — Students with disabilities — High school completers.

24:42:09:04 — Additional academic indicator.

24:42:09:05 — Calculation of attendance rate.

— **24:42:09:01. Definitions.** The following definitions apply to this chapter:

— (1) "Dropout," an individual who:

— (a) Was enrolled in a public school district at some time during the previous school year; and

— (b) Was not enrolled in a public school district at the beginning of the current school year; and

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

— (d) Does not meet any of the exclusionary conditions listed:

— (i) Transfers to another public school district, private school, district approved or state approved educational program, including corrections programs or health facilities;

— (ii) Temporary absence due to suspensions or excused illness; or

~~———— (iii) Death.~~

~~———— (2) "High school completer," individuals who are awarded a standard high school diploma.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-63, 13-3-69.~~

~~———— **Law Implemented:** SDCL 13-3-63, 13-3-69(13).~~

~~———— **24:42:09:02. Definition of graduation rate.** The department will use the following calculation to define high school graduation rate: the number of dropouts in grade 9, plus the number of dropouts in grade 10, plus the number of dropouts in grade 11, plus the number of dropouts in grade 12, plus the number of high school completers in grade 12 divided by the number of high school completers in grade 12.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-63, 13-3-69.~~

~~———— **Law Implemented:** SDCL 13-3-63, 13-3-69(9).~~

~~———— **24:42:09:03. Students with disabilities -- High school completers.** Students with disabilities who completed the required coursework for high school graduation and are awarded a standard diploma will be counted as high school completers. Students with disabilities who do not complete required coursework for high school graduation, and do not graduate in the standard number of years will not be considered high school completers.~~

~~———— **Source:** 30 SDR 181, effective May 20, 2004.~~

~~———— **General Authority:** SDCL 13-3-63, 13-3-69.~~

~~———— **Law Implemented:** SDCL 13-3-63, 13-3-69(13).~~

~~———— **24:42:09:04. Additional academic indicator.** The state will use the additional academic indicator of attendance rate for public elementary schools and public middle schools.~~

— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

— ~~General Authority:~~ SDCL 13-3-63, 13-3-69.

— ~~Law Implemented:~~ SDCL 13-3-63, 13-3-69(10).

— ~~24:42:09:05. Calculation of attendance rate.~~ In calculating the state's attendance rate, the department shall use aggregate days in attendance as the numerator and aggregate days of membership as the denominator.

— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

— ~~General Authority:~~ SDCL 13-3-63, 13-3-69.

— ~~Law Implemented:~~ SDCL 13-3-63, 13-3-69(10).

CHAPTER 24:42:10

APPEALS

Section

24:42:10:01 — ~~Public schools and public school districts may review data.~~

24:42:10:02 — ~~Public school or public school district to appeal not later than 10 days after notification.~~

24:42:10:03 — ~~Department review.~~

24:42:10:04 — ~~Final determination by department.~~

24:42:10:05 — ~~Public school may appeal to public school district.~~

— ~~24:42:10:01. Public schools and public school districts may review data.~~ A public school or public school district identified by the department in levels 1 through 6 as described in § 24:42:04:11; and levels 2 through 4 as described in § 24:42:04:14, will have an opportunity to review their state assessment data. If the public school or public school district believes the level

designation is incorrect for statistical or other data analysis reasons, it may appeal its status to the department.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

—— ~~24:42:10:02. Public school or public school district to appeal not later than 10 days after notification.~~ A public school or public school district must submit a letter stating their intent to appeal the level designation to the department not later than 10 days after it receives its status notification from the department.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

—— ~~24:42:10:03. Department review.~~ Public schools or public school districts which meet the timeline in § 24:42:10:02 will be given an opportunity to discuss their level designation with department representatives and must submit evidence to support their claim.

—— ~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

—— ~~24:42:10:04. Final determination by department.~~ Following the review described in § 24:42:10:03, the department will make a final determination of public school or public school district level designation. The public school or public school district will be notified in writing by the department of the final decision within 30 days of the first department notification of level status.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

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

—— **24:42:10:05. Public school may appeal to public school district.** A public school may appeal their adequate yearly progress determination to the public school district. The public school may submit evidence to the public school district; the public school district will make a final determination of public school adequate yearly progress status within 30 days of the first notification of adequate yearly progress status.

—— **Source:** 30 SDR 181, effective May 20, 2004.

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

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

CHAPTER 24:42:11

PROVISIONS FOR PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT CHANGES

Section

24:42:11:01 — Public school or district changing grade span or physical status — Submit request.

24:42:11:02 — Department reviews, approves, or denies request.

24:42:11:03 — Students attending public school or district in first year of operation — Adequate yearly progress status included.

24:42:11:04 — Adequate yearly progress determination starts with first year of operation.

24:42:11:05 — Public school boundaries altered — Prior adequate yearly progress status void.

24:42:11:06 — Adequate yearly progress for new schools.

~~24:42:11:07 — School district consolidation — Prior adequate yearly progress determination void.~~

~~— **24:42:11:01. Public school or district changing grade span or physical status —**
Submit request. 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.~~

~~— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~— **Law Implemented:** SDCL 13-3-69(13).~~

~~— **24:42:11:02. Department reviews, approves, or denies request.** The department will review the public school or public school district's request and either approve or deny the request.~~

~~— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~— **Law Implemented:** SDCL 13-3-69(13).~~

~~— **24:42:11:03. Students attending public school or district in first year of operation —**
Adequate yearly progress status included. Students attending a public school district in its first year of operation will have their adequate yearly progress status included at the public school, public school district, and state levels.~~

~~— **Source:** 30 SDR 181, effective May 20, 2004.~~

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

~~— **Law Implemented:** SDCL 13-3-69(13).~~

~~24:42:11:04. Adequate yearly progress determination starts with first year of operation.~~ Adequate yearly progress determinations for new public schools or public school districts will be made by the department with their first year of operation.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:11:05. Public school boundaries altered -- Prior adequate yearly progress status void.~~ If a public school district which 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, the adequate yearly progress status of the affected public schools will be voided.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:11:06. Adequate yearly progress for new schools.~~ The adequate yearly progress determination for a new public school within the meaning of § 24:42:11:05 will start with the first year of operation. At that time, students attending the new public school will be included at the public school, public school district, and state level determinations of adequate yearly progress.

~~Source:~~ 30 SDR 181, effective May 20, 2004.

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

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

~~24:42:11:07. School district consolidation -- Prior adequate yearly progress determination void. If two or more public school districts consolidate under the provisions of SDCL chapter 13-6, prior adequate yearly progress determinations for the public schools and public school districts involved become void. New public school districts and their public schools will receive their first adequate yearly progress determination in the first year of operation, based on state assessment results.~~

~~Source: 30 SDR 181, effective May 20, 2004.~~

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

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

ARTICLE 24:55

PUBLIC SCHOOL ACCOUNTABILITY SYSTEM

Chapter

24:55:01	Definitions.
24:55:02	Public school performance index.
24:55:03	Public school rankings and classifications.
24:55:04	Sanctions, rewards, and recognition.
24:55:05	Academic progress.
24:55:06	Review and reporting requirements.
24:55:07	All public schools and public school students included.
24:55:08	Public school or public school district changes.
24:55:00	Appeals.
24:55:10	Accountability system review.

CHAPTER 24:55:01

DEFINITIONS

Section

- 24:55:01:01 Definitions.
- 24:55:01:02 Flexibility request and approval 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;

(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 school 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 in a specific public school that have experienced achievement gaps over the most recent three years of participation in the state

academic assessment. The gap group 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 group students who scored proficient or advanced on the state academic assessment; for graduation rate, the graduation rate of gap group students; and for student attendance, the student attendance rate of 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 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 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,” students having intellectual disabilities, hearing impairment, including deafness, speech or language impairment, visual impairments, including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, developmental delay, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an Individualized Education Program (IEP), Individualized Family Service Plan (IFSP), or a services plan;

(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);

(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:

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 request dated June 25, 2012, submitted by the department to the US DOE and approved on June 29, 2012, pursuant to 20 U.S.C. § 7861.

Source:

General Authority: SDCL 13-3-69.

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

Reference: ESEA Flexibility Request dated June 25, 2012. Approval letter from US DOE Secretary Arne Duncan to Secretary Dr. Melody Schopp dated June 29, 2012. 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 with an enrollment gap of no more than fifteen consecutive school days.

Source:

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 and mathematics approved by the state board of education;

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

(4) Include four levels of student achievement for reading 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 that is coordinated with the school accreditation requirements of article 24:43;

(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:

General Authority: SDCL 13-3-69.

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

24:55:01:05. 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 with disabilities;
- (5) Students who are limited English proficient;
- (6) Gap group students; and
- (7) Nongap group students.

Source:

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.
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.
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.
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.
24:55:02:14	School climate key indicator.
Appendix A	SPI key indicators table – presecondary school level – 2012-2013 and 2013-2014 school years.
Appendix B	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	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 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 Student achievement calculation table – secondary school level – 2014-2015 school year.
- Appendix I Student attendance calculation table.
- Appendix J High school completion calculation table.
- Appendix K College and career readiness calculation table – 2012-2013 and 2013-2014 school years.
- Appendix L College and career readiness calculation table – 2014-2014 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 calculating 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:

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 presecondary 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.

Source:

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 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 at the end of this chapter.

Source:

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.

Source:

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 points;
- (2) High school completion, for a maximum of twenty-five points;
- (3) College and career readiness, for a maximum of twenty 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 at the end of this chapter.

Source:

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 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 and mathematics scores equally. The department shall then calculate the percentage of students in that school in the gap group and the 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 group and nongap group scoring proficient or advanced on the state academic assessment to come up with four scores: gap group reading, gap group math, nongap group reading, and 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, inclusive, at the end of this chapter.

Source:

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 public presecondary schools on the attendance rate of all students enrolled in each specific school. 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.

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

Source:

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 at the end of this chapter.

Source:

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 at the end of this chapter.

Source:

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:

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:

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. 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:

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. Beginning in the 2014–15 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.

Source:

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.

Source:

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 SCHOOL YEARS

Chapter 24:55:02

APPENDIX A

SEE: § 24:55:02:02

Source:

Presecondary School Level: 2012-2013 and 2013-2014 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

Chapter 24:55:02

APPENDIX B

SEE: § 24:55:02:03

Source:

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 SCHOOL YEARS

Chapter 24:55:02

APPENDIX C

SEE: § 24:55:02:04

Source:

Secondary School Level: 2012-2013 and 2013-2014 school years

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

Chapter 24:55:02

APPENDIX D

SEE: § 24:55:02:05

Source:

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 SCHOOL YEARS

Chapter 24:55:02

APPENDIX E

SEE: § 24:55:02:06

Source:

Student achievement calculation:

Presecondary school level: 2012-2013 and 2013-2014 school years

READING – 40 points (of the total 80 points)	MATHEMATICS – 40 points (of the total 80 points)
% students in Gap Group	% students in Gap Group
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (40) = Weighted Points	½ apportioned indicator points (40) = 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 (40) = Weighted Points	½ apportioned indicator points (40) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Nongap Group who scored	% students in Nongap Group who scored

proficient or advanced in reading =	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 ACHIEVEMENT CALCULATION TABLE

PRESECONDARY SCHOOL LEVEL: 2014-2015 SCHOOL YEAR

Chapter 24:55:02

APPENDIX F

SEE: § 24:55:02:06

Source:

Student achievement calculation:

Presecondary 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	% students in Nongap Group who scored

proficient or advanced in reading =	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 ACHIEVEMENT CALCULATION TABLE

SECONDARY SCHOOL LEVEL: 2012-2013 AND 2013-2014 SCHOOL YEARS

Chapter 24:55:02

APPENDIX G

SEE: § 24:55:02:06

Source:

Student achievement calculation:

Secondary school level: 2012-2013 and 2013-2014 school years

READING – 25 points (of the total 50 points)	MATHEMATICS – 25 points (of the total 50 points)
% students in Gap Group	% students in Gap Group
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (25) = Weighted Points	½ apportioned indicator points (25) = 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 (25) = Weighted Points	½ apportioned indicator points (25) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Nongap Group who scored	% students in Nongap Group who scored

proficient or advanced in reading =	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 ACHIEVEMENT CALCULATION TABLE

SECONDARY SCHOOL LEVEL: 2014-2015 SCHOOL YEAR

Chapter 24:55:02

APPENDIX H

SEE: § 24:55:02:06

Source:

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	% students in Nongap Group who scored

proficient or advanced in reading =	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

SEE: § 24:55:02:07

Source:

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

DEPARTMENT OF EDUCATION

COLLEGE AND CAREER READINESS CALCULATION TABLE

2012-2013 AND 2013-2014 SCHOOL YEARS

Chapter 24:55:02

APPENDIX K

SEE: § 24:55:02:09

Source:

% students whose ACT math sub-score is 20 or above MULTIPLIED BY 1/2 of apportioned indicator points (12.5 of the total 25 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 25 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:

% students whose ACT math sub-score is 20 or above MULTIPLIED BY ½ of apportioned indicator points (10 of the total 20 points)	EQUALS	NUMERIC SUBTOTAL
% students whose ACT English sub-score is 18 or above MULTIPLIED BY ½ of apportioned indicator points (10 of the total 20 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.
- 24:55:03:03. Classification of status schools.
- 24:55:03:04. Classification of progressing schools.
- 24:55:03:05. Classification of priority 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.
- 24:55:03:08. Classification of focus schools.
- 24:55:03:09. Transition year classification of Title I priority and focus schools.
- 24:55:03:10. Transition year classification of Title I priority schools at the presecondary school level.
- 24:55:03:11. Transition year classification of Title I priority schools at the secondary school level.
- 24:55:03:12. Transition year classification of focus schools at the presecondary school level.
- 24:55:03:13. Transition year classification of focus schools at the secondary school level.
- 24:55:03:14. SIG priority schools.

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:

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:

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 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 group indicators for student achievement and student attendance; or
- (b) At the secondary school level, the gap group indicators for student achievement and graduation rate.

Source:

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 school, and the school's total SPI score is at or above the top ten percent of the SPI ranking.

Source:

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 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:

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 classify a public school which does not qualify for funds under Title I Part A as a priority

school 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.

Source:

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 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:

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, the gap group indicators for student achievement and attendance are at or below the bottom ten percent of Title I schools;
- (2) At the secondary school level, the gap group indicators for student achievement and graduation rate are at or below the bottom ten percent of Title I schools; or
- (3) The school is a Title I high school whose graduation rate is below sixty percent over the last two school years, and the school has not been identified as a priority school.

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

Source:

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.

Source:

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.

Source:

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.

Source:

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.

Source:

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.

Source:

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 pursuant 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 to 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.

Source:

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 Additional interventions for school districts with fifty percent or more of schools classified as Title I priority schools.
- 24:55:04:04 Interventions for focus schools.
- 24:55:04:05 Additional interventions for school districts with fifty percent or more of schools classified as focus schools.
- 24:55:04:06. Exiting priority school classification.
- 24:55:04:07. Failure of priority school to progress.
- 24:55:04:08. Exiting focus school classification.
- 24:55:04:09. Failure of focus school to progress.
- 24:55:04:10. 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:

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 Pacesetting 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) 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;
- (4) Ensure that a school-level annual data analysis led by department-approved personnel is conducted, as referenced on the bottom of page 58 of the ESEA flexibility request;
- (5) Redesign the school day, week, or year to include additional time for meaningful student learning and teacher collaboration, as referenced on pages 58-59 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) Review the performance of the current principal 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 of the ESEA flexibility request;
- (8) Provide the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budgeting, as referenced on pages 57-58 of the ESEA flexibility request;
- (9) 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 of the ESEA flexibility request;

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

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

(12) Ensure, through the district’s teacher evaluation process, that teachers are effective and able to improve instruction, as referenced on page 59 of the ESEA flexibility request;

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

Source:

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

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

Reference: “ESEA Flexibility Request” dated June 25, 2012. Letter from US DOE Secretary Arne Duncan to Secretary Dr. Melody Schopp dated June 29, 2012. 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. Additional interventions for school districts with fifty percent or more of schools classified as Title I priority schools. If fifty percent or more of the Title I schools in a school district are classified as priority schools by the department, the district shall designate twenty percent of the funds received pursuant to Title I Part A for additional interventions

designed to improve school performance. The interventions referenced in this section must be approved by the department. In addition, the department shall appoint a technical advisor to assist the district with operational issues.

Source:

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

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

24:55:04:04. Interventions 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;
- (2) Implement South Dakota RtI, a multi-tiered system of support, as referenced on page 71-72 of the ESEA flexibility request;
- (3) Ensure that a school level annual data analysis led by department-approved personnel is conducted, as referenced on the bottom of page 72 of the ESEA flexibility request;
- (4) 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 of the ESEA flexibility request;
- (5) Provide the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budgeting, as referenced on pages 71 of the ESEA flexibility request;

- (6) Inform the district's board of education and the public on the school's progress towards improving school performance, as referenced on page 71 of the ESEA flexibility request;
- (7) Implement an evaluation of the principal in each focus school as referenced on page 71 of the ESEA flexibility request;
- (8) Ensure, through the district's teacher evaluation process, that teachers are effective and able to improve instruction, as referenced on page 72 of the ESEA flexibility request;
- (9) Provide opportunities for parent and community involvement in the decision making process regarding curriculum, assessment, reporting, and school environment, as referenced on page 72 of the ESEA flexibility request.

Source:

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

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

Reference: "ESEA Flexibility Request" dated June 25, 2012. Letter from US DOE Secretary Arne Duncan to Secretary Dr. Melody Schopp dated June 29, 2012. 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. If fifty percent or more of the schools in a school district are classified as focus schools by the department, the district shall designate ten percent of the funds received pursuant to Title I Part A for professional development activities approved by the department for the focus schools.

Source:

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

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

24:55:04:06. Exiting priority school classification. After a school has been classified a priority school for three 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 group and nongap group in the school have met the annual targets in reading 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 this 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:

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 of the department's ESEA flexibility request.

Source:

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

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

24:55:04:08. 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 this section based on the most recent school year data. The department shall remove the focus school classification if the school meets the following criteria:

- (1) The 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 group in the school has met the annual targets in reading 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.

In addition to the requirements of subdivisions (1) to (3), inclusive, a Title I high school that was designated as a focus school pursuant to § 24:55:03:08(3) must have a graduation rate at 70% or above for two consecutive years.

Source:

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

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

24:55:04:09. 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:

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

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

24:55:04:10. 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:

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:

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, 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 in reading 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 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 2012-13 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:

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 and mathematics and for each student group in each public school as follows:

(1) Based on state academic assessment scores from the 2012-2013 school year, calculate the percentage of students in the applicable student group who score at the basic or below basic levels combined;

(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;

(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 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;

(5) Calculate the percentage of students in the base year who test at the proficient or advanced levels combined;

(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 to the annual target for increasing the percentage of students who score proficient or advanced; 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 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:

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:

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

Student Group	% Basic & Below Basic	Amount to Reduce in 6 years	Six-Year Goal for % Proficient & Advanced	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:

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:

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) or SDCL 1-27-1.5(1).

Source:

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

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. 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:

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, a student who is dually enrolled is counted at the public school where the student spends greater than 50 percent of the school day.

Source:

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 within the same public school district are counted at the state 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 are counted at the state level for student achievement SPI key indicator scores.

Source:

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 of students in a group have the same student achievement level as defined in § 24:55:01:04(4).

Source:

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.

Source:

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:

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:

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. Students with disabilities shall participate in the state academic assessment as provided in §§ 24:05:14:14 and 24:05:27:01.03(5).

Source:

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

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

24:55:07:10. Students with disabilities identified after December first. For accountability purposes, the state academic assessment scores of a student enrolled in a public school for a full academic year but who was not identified as a student with a disability as defined in § 24:05:24.01:01 until after December 1 are counted in the presecondary school level or secondary school level for the public school. Academic assessment scores for these students are not counted in the student group of students with disabilities.

Source:

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

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

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, 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 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:

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:

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:

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, then the student is counted 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) 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.

Placement for purposes of this section does not include open enrollment.

Source:

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.

Source:

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:

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. However, public schools in the first year of operation are not eligible for the additional five points referenced in § 24:55:02:10.

Source:

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:

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 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:

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:

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:

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:

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.

24:55:09:01. 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 school year.

Source:

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

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