

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

616Q0623

SENATE EDUCATION

ENGROSSED NO. **HB 1154** - 2/17/2009

Introduced by: Representatives Cutler, Blake, Bolin, Dreyer, Engels, Fargen, Frerichs, Hunhoff (Bernie), Peters, Thompson, and Turbiville and Senators Dempster, Knudson, Merchant, Nelson, Nesselhuf, Novstrup (Al), Schmidt, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for eligibility for opportunity
2 scholarships.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-55-31 be amended to read as follows:

5 13-55-31. In order to be eligible for a South Dakota opportunity scholarship award, a student
6 shall:

- 7 (1) Be a resident of South Dakota at the time of graduation from high school;
- 8 (2) Have a composite score of 24, or higher, on the test administered by the American
9 College Testing Program or an equivalent score as determined by the Board of
10 Regents on the Scholastic Assessment Test. The student shall take the ACT or SAT
11 test before beginning postsecondary education;
- 12 (3) Meet the high school course requirements for graduation from the distinguished high
13 school program as provided in section 24:43:11:05 of the Administrative Rules of



1 South Dakota as in effect on January 1, 2008;

2 (4) Attend a university, college, or technical school that is accredited by the North
3 Central Association of Colleges and Schools and that provides instruction from a
4 campus located in South Dakota; and

5 (5) Enter into the program within five years of graduation from high school or within one
6 year of the student's release from active duty with an active component of the armed
7 forces if the release is within five years of the student's graduation from high school.

8 If a student attends full-time a regionally accredited university, college, or technical
9 school located outside South Dakota and within two years following high school
10 graduation or within two years following release from active military service returns
11 to the state to attend full-time a regionally accredited university, college, or technical
12 school, the student is eligible to receive a partial award.

13 A student is eligible to participate in the South Dakota opportunity scholarship program for
14 the equivalent of four academic years (eight consecutive spring and fall terms) or until the
15 attainment of a baccalaureate degree, whichever comes first, and shall maintain continuous
16 attendance, enrolling in consecutive spring and fall terms. However, the a participating student
17 who leaves a university, college, or technical school in South Dakota to attend a university,
18 college, or technical school outside the state for no more than two consecutive terms may be
19 reinstated in the opportunity scholarship program if the student returns to a university, college,
20 or technical school in South Dakota and meets the requirements of § 13-55-34. The executive
21 director of the Board of Regents may grant additional exceptions to the continuous enrollment
22 requirements for good cause shown.

23 A student who would have been eligible for the scholarship, but who applies after
24 completing one or more semesters of full-time work at an accredited institution, may be

1 admitted to the program only if the student has complied with the same grade point and credit
2 hour requirements that would apply to program participants. Admission granted under these
3 circumstances may not be retroactive, and eligibility for participation in the program shall be
4 reduced by one semester for each semester of work completed prior to admission to the
5 program.

6 Section 2. That § 13-55-34 be amended to read as follows:

7 13-55-34. In order to maintain eligibility, a student shall:

- 8 (1) Maintain a cumulative 3.0 grade point average on a 4.0 scale. Cumulative grade point
9 average shall be calculated after the second semester and every semester thereafter.
10 The student shall complete consecutive spring and fall terms in order to remain
11 eligible for continuation of the scholarship program from term to term. A student
12 whose cumulative grade point average falls below 3.0 on a 4.0 scale shall forfeit the
13 scholarship for the subsequent semester and for subsequent semesters until the
14 student has reestablished eligibility. To reestablish eligibility, the student shall
15 comply with all course load, enrollment, and proficiency examination requirements
16 for continued eligibility stated in §§ 13-55-30 to 13-55-35, inclusive, and the student
17 shall achieve a cumulative grade point average of 3.0, or greater, on a 4.0 scale. The
18 scholarship shall be reinstated beginning the semester following that in which the
19 student achieves a cumulative grade point average of 3.0, or greater, on a 4.0 scale.
20 Reinstatement of a scholarship does not extend the time allowed under the
21 scholarship program; any scholarship award forfeited cannot be reclaimed after a
22 student has regained eligibility. A student whose cumulative grade point average falls
23 below 3.0 on a 4.0 scale a second time forfeits the scholarship for all subsequent
24 semesters;

1 (2) Complete fifteen credit hours of instruction per semester. The student shall enroll in
2 and complete at least fifteen credit hours of instruction in each consecutive spring
3 and fall term. If the executive director of the Board of Regents determines that a
4 student's failure to enroll or to maintain continued enrollment occurred as a direct
5 result of legitimate factors outside the student's control, or has resulted from the
6 student's participation in an activity that in the executive director's judgment provides
7 knowledge or experience that will enhance the student's academic pursuits, the
8 executive director may extend the student's eligibility to participate in the program
9 for up to two additional years, if the student does not enroll in a noneligible
10 institution; and

11 (3) Sit for and pass all sections of a college proficiency exam as required by Board of
12 Regents Policy Number 2.28 as in effect on January 1, 2003, at the end of the
13 sophomore year, or as soon as practicable if the student is not attending a South
14 Dakota institution that term. The Board of ~~regents~~ Regents may review and adjust the
15 proficiency examinations administered in keeping with sound academic practice. If
16 such changes are made, the Board of Regents shall notify all eligible institutions of
17 new testing standards or requirements. If the student fails to pass the proficiency
18 examinations the first time, eligibility is forfeited for continuation in the scholarship
19 program.

20 Section 3. That ARSD 24:40:13:03 be amended to read as follows:

21 24:40:13:03. Loss of eligibility due to attendance outside South Dakota. A student is not
22 eligible for the scholarship program if the student attends full time an institution located outside
23 South Dakota for ~~one or more~~ than two semesters or quarters. Full-time enrollment in a distance
24 education program offered by an institution located outside South Dakota constitutes attendance

1 outside South Dakota for purpose of this rule. A student enrolled in an institution outside South
2 Dakota is deemed to attend full time if the student carries a full-time academic workload as
3 determined by the institution under a standard applicable to all students enrolled in a particular
4 educational program. The student's workload may include any combination of courses, work,
5 research, or special studies that the institution considers sufficient to classify the student as a
6 full-time student.

7 Section 4. That ARSD 24:40:13:06 be amended to read as follows:

8 24:40:13:06. Persistence requirements for continuing eligibility. Upon entering the
9 scholarship program, each student shall maintain ~~continuous~~ attendance, ~~enrolling in~~
10 ~~consecutive spring and fall terms~~ as required by SDCL 13-55-31, subject to the following
11 exceptions:

12 (1) A student may petition the executive director to be excused from strict compliance with
13 this regulation during semesters in which the student participates in institutionally sponsored
14 or approved exchange programs, internships, or similar structured, supervised, credit-bearing
15 learning experiences that preclude enrollment in the participating institution's standard
16 curriculum;

17 (2) A student who fails to complete continuous enrollment requirements because the student
18 must report for active military service will not thereby lose his or her eligibility;

19 (3) The executive director may waive continuous enrollment requirements for good cause
20 shown and may place such conditions upon the waiver as may be necessary and prudent to
21 achieve the objectives of the scholarship program.

22 Section 5. That ARSD 24:40:13:02 be amended to read as follows:

23 24:40:13:02. Initial eligibility requirements. In order to be eligible to receive a South
24 Dakota Opportunity Scholarship, a student must:

1 (1) Be graduated from high school with a cumulative average grade of "B" (3.0 on a 4.0
2 scale), or greater, for all work attempted;

3 (2) Be a resident of South Dakota at the time of graduation from high school;

4 (3) Take the test administered by the American College Testing Program (ACT) or the
5 Scholastic Assessment Test (SAT) before being graduated from high school;

6 (4) Receive a composite score on the ACT of at least 24 or a combined verbal and
7 mathematics score on the SAT of at least 1070;

8 (5) Complete the required number of high school courses in the following subjects:

9 (a) Four units of English: courses with major emphasis upon grammar, composition,
10 or literary analysis. One year of debate instruction may be included to meet this requirement;

11 (b) Four units of algebra or higher mathematics: algebra, geometry, trigonometry, or
12 other advanced mathematics, including accelerated or honors mathematics (algebra) provided
13 at the 8th grade level. Arithmetic, business, consumer or general mathematics, or other similar
14 courses, are not included;

15 (c) Four units of science, including three units of approved laboratory science: courses
16 in biology, chemistry, or physics in which at least one regular laboratory period is scheduled
17 each week. Accelerated or honors science (biology, physics, or chemistry) provided in the 8th
18 grade are accepted. Qualifying physical science or earth science courses (with lab) may be
19 accepted on a case-by-case basis;

20 (d) Three units of social studies: history, economics, sociology, geography, United
21 States or South Dakota government, American Problems, and similar courses;

22 (e) Two units of a modern or classical language, including American Sign Language.
23 The two units must be in the same language;

24 (f) One unit of fine arts: effective for the fall 2005 semester for students graduating

1 from South Dakota high schools, one unit in art, theatre, or music. Such credit may be in
2 appreciation, analysis, or performance. Through the fall 2004 semester for students graduating
3 from South Dakota high schools, one-half unit of art, theatre, or music is required. Such credit
4 may be in appreciation, analysis, or performance;

5 (g) One half unit of computer science: students must have basic keyboarding skills,
6 experience in using computer word processing, database, and spreadsheet packages, and
7 experience in using the Internet or other wide area networks;

8 ~~Any~~ No more than one course in which a student received a final grade below a "C" (2.0 on
9 a 4.0 scale) may ~~not~~ be counted for purposes of this subdivision. If a student who receives
10 disqualifying grades in courses required under this subdivision retakes those courses while in
11 high school, the student may still qualify for eligibility if the student has the required number
12 of courses with grades of C or above in each subcategory;

13 (6) Attend a participating institution; and

14 (7) Enter into the scholarship program within five years of the date of graduation from high
15 school. A student who entered active military duty immediately after the date of graduation from
16 high school may qualify for the scholarship if the student's release from military service occurs
17 within five years from the student's graduation and the student enters the scholarship program
18 within one year of the student's release from active military duty.