

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0312

SENATE ENGROSSED NO. **SB 39** - 01/27/2003

Introduced by: The Committee on Education at the request of the Department of Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to revise the assessments required in certain schools, the
2 grades to be assessed, and to declare an emergency.

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

4 Section 1. That § 13-3-55 be amended to read as follows:

5 13-3-55. Every public school district shall annually administer the same ~~national~~
6 ~~norm-referenced academic achievement test to all students in grades two, four, eight, and eleven,~~
7 ~~and every assessment to all students in grades three to eight, inclusive, and in grade eleven. The~~
8 assessment shall measure the academic progress of each student. Every public school district
9 shall annually administer to all students in grades five and nine an achievement test to assess
10 writing skills. ~~In addition, every school district shall administer the same criterion-referenced~~
11 ~~academic achievement test, once in the fall semester and once again in the spring semester, to~~
12 ~~all students in grades three, six, and ten. The criterion-referenced tests shall be designed by the~~
13 ~~state. All of the tests~~ The assessment instruments shall be provided by the Department of
14 Education and Cultural Affairs ~~and shall assess proficiency in meeting state standards. The tests~~
15 shall be administered within timelines established by the Department of Education and Cultural



1 Affairs by rules promulgated pursuant to chapter 1-26 starting in the spring of the ~~2001-2002~~
2 2002-2003 school year. Each state-designed test ~~for each grade level to be tested shall be a single~~
3 ~~statewide criterion-referenced test, which shall be highly~~ correlated with the state's graduation
4 requirements, course guidelines, and academic content standards. ~~The requirements of this~~
5 ~~section pertaining to criterion-referenced tests to be administered to students in grades three, six,~~
6 ~~and ten do not apply to students who are receiving alternative instruction pursuant to § 13-27-3.~~
7 The South Dakota Board of Education may promulgate rules pursuant to chapter 1-26 to
8 provide for administration of all assessments.

9 Section 2. That § 13-27-3 be amended to read as follows:

10 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because
11 the child is otherwise provided with alternative instruction for an equivalent period of time, as
12 in the public schools, in the basic skills of language arts and mathematics. The parent or guardian
13 of the child shall identify in the application the place where the child will be instructed and any
14 individual who will instruct the child. The individuals are not required to be certified. The
15 secretary of the Department of Education and Cultural Affairs may investigate and determine
16 whether the instruction is being provided. Failure to provide instruction is grounds for the school
17 board, upon thirty days notice, to revoke the excuse from school attendance. The secretary of
18 the Department of Education and Cultural Affairs may inspect the records of an alternative
19 education program with fourteen days written notice if the secretary has probable cause to
20 believe the program is not in compliance with this section. The records to be inspected are
21 limited to attendance and evidence showing academic progress.

22 No individual may instruct more than twenty-two children. All instructions shall be given so
23 as to lead to a mastery of the English language. Children receiving alternative instruction who
24 are in grades ~~tested under the state testing program~~ two, four, eight, and eleven shall take a

1 nationally standardized achievement test of the basic skills. The test may be the test provided by
2 the state and used in the public school district where the child is instructed or another nationally
3 standardized achievement test chosen by and provided at the expense of the child's parent,
4 guardian, or school giving alternative instruction. The test may be monitored by the local school
5 district where the child is instructed.

6 Section 3. Whereas, this Act is necessary for the support of the state government and its
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
8 force and effect from and after its passage and approval.