

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0219

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1033** - 01/19/2007

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

1 FOR AN ACT ENTITLED, An Act to impose sanctions on schools and certified school  
2 personnel for compromising the integrity of a state-required academic achievement test.

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

4 Section 1. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If the superintendent of a school district has sufficient evidence that cheating occurred on  
7 a state-required academic achievement test, the superintendent of the school district shall  
8 investigate the circumstances. For the purposes of this section, cheating is the unauthorized  
9 acquiring of knowledge of the achievement test by a student or providing unauthorized access  
10 to secure test questions or tampering or altering of student answer sheets by school district  
11 personnel.

12 Section 2. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Following the investigation, the superintendent shall report the results of the investigation  
15 to the secretary of the Department of Education. Upon receiving the report, the secretary shall



1 determine whether the alleged cheating occurred and, if so, if it was severe enough to affect the  
2 results of the achievement test. If the secretary finds that cheating did occur and it was severe  
3 enough to affect the achievement test results, the results of the achievement test for that school  
4 shall be discarded, and the school will not meet the adequate yearly progress for that school year  
5 under the terms of the state's accountability system as established in § 13-3-62. The decision of  
6 the secretary regarding adequate yearly progress may be appealed to the South Dakota Board  
7 of Education.

8 Section 3. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 The secretary of the Department of Education may suspend or revoke the certificate of any  
11 certified personnel who knowingly compromise the integrity of a state-required academic  
12 achievement test provided to students pursuant to chapter 13-3.