

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0219      SENATE EDUCATION COMMITTEE ENGROSSED NO.  
**HB 1033** - 02/06/2007

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 the cheating did occur, the affected  
3 score sheets may not count and shall be discarded. The secretary shall also determine if the  
4 cheating was severe enough to affect the school's adequate yearly progress under the terms of  
5 the state accountability system established pursuant to § 13-3-62. If the cheating was severe  
6 enough to affect the school's adequate yearly progress, the secretary may determine that the  
7 school does not meet adequate yearly progress for that school year. The decision of the secretary  
8 regarding adequate yearly progress may be appealed to the South Dakota Board of Education.

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

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