

**ADMINISTRATIVE RULES**  
**DEPARTMENT OF EDUCATION**

Article

- 24:01 South Dakota Board of Education, Repealed.
- 24:02 Teacher certification, Superseded.
- 24:03 School accreditation.
- 24:04 Sites for school buildings, Repealed.
- 24:05 Special education.
- 24:06 School buses.
- 24:07 Student due process.
- 24:08 Professional teachers ethics.
- 24:09 Educational cooperatives, Repealed.
- 24:10 Career and technical education.
- 24:11 Professional administrators ethics.
- 24:12 Community education, Repealed.
- 24:13 Modernizing K-12 education, Repealed.
- 24:14 Early intervention program.
- 24:15 Certification.
- 24:16 Teacher preparation program approval, Transferred or Repealed.
- 24:17 General state aid.
- 24:18 Certificate denial and discipline procedures.
- 24:19 Teacher education program approval, Repealed.
- 24:20 Board of Regents, Repealed.

- 24:21 University of South Dakota, Reserved.
- 24:22 USD - Springfield, Reserved.
- 24:23 South Dakota State University, Reserved.
- 24:24 School of Mines and Technology, Reserved.
- 24:25 Northern State University, Reserved.
- 24:26 Black Hills State University, Reserved.
- 24:27 Dakota State University, Reserved.
- 24:28 Educator Certification.
- 24:29 Reserved.
- 24:30 State Library.
- 24:31 to 24:39 Reserved.
- 24:40 Scholarships and grants.
- 24:41 Mentoring.
- 24:42 State accountability system, Repealed.
- 24:43 Accreditation and school improvement.
- 24:44 to 24:49 Reserved.
- 24:53 Teacher preparation program approval.
- 24:54 Teacher compensation program, Repealed.
- 24:55 Public school accountability system.
- 24:56 Cooperation in education.
- 24:57 Teacher performance standards and evaluation.
- 24:58 Principal performance standards and evaluation.

**ARTICLE 24:10**

**CAREER AND TECHNICAL EDUCATION**

Chapter

- 24:10:01 Repealed.
- 24:10:02 Repealed.
- 24:10:03 Repealed.
- 24:10:04 Repealed.
- 24:10:05 Repealed.
- 24:10:06 Repealed.
- 24:10:07 Repealed.
- 24:10:08 Repealed.
- 24:10:09 Repealed.
- 24:10:10 Repealed.
- 24:10:11 Repealed.
- 24:10:12 Repealed.
- 24:10:13 Repealed.
- 24:10:14 Repealed.
- 24:10:15 Repealed.
- 24:10:16 Repealed.
- 24:10:17 Repealed.
- 24:10:18 Repealed.
- 24:10:19 Repealed.
- 24:10:20 Repealed.

- 24:10:21 Repealed.
- 24:10:22 Repealed.
- 24:10:23 Repealed.
- 24:10:24 Repealed.
- 24:10:25 Repealed.
- 24:10:26 Repealed.
- 24:10:27 Repealed.
- 24:10:28 Repealed.
- 24:10:29 Repealed.
- 24:10:30 General provisions, Transferred.
- 24:10:31 Approval of new programs and program expansions, Transferred.
- 24:10:32 Renewal of continuing programs, Transferred.
- 24:10:33 Multidistrict center operation, Transferred.
- 24:10:34 Postsecondary operation, Transferred.
- 24:10:35 Fund allocation, Transferred.
- 24:10:36 Work study, Repealed.
- 24:10:37 Vocational teacher certification, Transferred.
- 24:10:38 Associate of applied science degree, Transferred.
- 24:10:39 General provisions, Repealed.
- 24:10:40 Multidistrict center operation, Repealed.
- 24:10:41 Secondary programs, Repealed.
- 24:10:42 Postsecondary programs.
- 24:10:43 Associate of applied science degree.

- 24:10:44 Vocational or technical teacher certification, Repealed.
- 24:10:45 Postsecondary technical institute credential.
- 24:10:46 Lease purchase agreements.
- 24:10:47 Workforce education grants.
- 24:10:48 Definitions.
- 24:10:49 Postsecondary technical institute instructor salary support.

## **CHAPTER 24:10:42**

### **POSTSECONDARY PROGRAMS**

#### Section

- 24:10:42:01 Repealed.
- 24:10:42:02 Transferred.
- 24:10:42:03 Repealed.
- 24:10:42:04 Repealed.
- 24:10:42:05 Repealed.
- 24:10:42:06 Repealed.
- 24:10:42:07 Repealed.
- 24:10:42:08 Repealed.
- 24:10:42:09 Transferred.
- 24:10:42:10 Repealed.
- 24:10:42:11 Repealed.
- 24:10:42:12 Repealed.
- 24:10:42:13 Repealed.

- 24:10:42:14 Repealed.
- 24:10:42:15 Repealed.
- 24:10:42:16 Repealed.
- 24:10:42:17 Repealed.
- 24:10:42:18 Repealed.
- 24:10:42:19 Repealed.
- 24:10:42:20 Repealed.
- 24:10:42:21 Repealed.
- 24:10:42:22 Contents of applications for new postsecondary programs, program expansions,  
and continuing programs.
- 24:10:42:23 Application for new or expanded programs.
- 24:10:42:24 Application for continuing programs.
- 24:10:42:25 Approval criteria for new or expanded programs.
- 24:10:42:26 Tuition.
- 24:10:42:27 Set-asides.
- 24:10:42:28 Formula for funding.
- 24:10:42:29 Yearly revision of formula for funding.

**24:10:42:27. Set-asides.** The ~~Office~~Division of Career and Technical Education shall set aside facility funds and National Guard Tuition Benefit funds from the total appropriated to the postsecondary technical institutes under “Postsecondary Vocational Education.”

In fiscal year 2018, the facility fund set aside shall be \$2,328,546, an amount that is equal to twenty-seven percent of the projected state fees charged to students pledged for the payment

of lease purchase agreements equal to twenty-seven percent of the current year lease purchase agreement payments.

The amount set aside for National Guard Tuition Benefit in fiscal year 2018 shall be \$214,190. The National Guard Tuition Benefit funds shall be distributed each academic term to the postsecondary technical institutes based on the actual state tuition benefits applied for qualifying National Guard members after federal tuition benefits are applied.

**Source:** 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 40 SDR 40, effective September 11, 2013; 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 1-16A-94, 13-39-13, 13-39-19, 13-39-37(3).

**Law Implemented:** SDCL 1-16A-43, 1-16A-96, 13-39-19, 13-39-37 to 13-39-39, 33-6-6.

**24:10:42:28. Formula for funding.** The postsecondary technical institutes shall receive state funding, from the amount appropriated by the Legislature less funds reserved in § 24:10:42:27, under a formula that distributes these funds based on full-time equivalent students as follows:

(1) Subtract the total set-asides reserved in § 24:10:42:27 from the total amount appropriated by the Legislature within the general appropriations act;

(2) Determine the number of full-time equivalent students at each institution for the preceding fiscal year using the following calculation:

(a) One "full-time equivalent student" equals 30 credit hours of instruction;

(b) The number of full-time equivalent students for an institution is calculated by dividing tuition collected for the preceding fiscal year by program as per chart of accounts prescribed within the South Dakota School District Accounting Manual by the tuition fee per credit and the quotient is divided by 30 credit hours;

(3) Multiply the number of full-time equivalent students at each institution by the per student allocation to determine the total allocation for the distribution formula. The distribution formula is as follows:

(a) "Per student allocation," for school fiscal year ~~2017~~2018 is ~~\$3,514.67~~ \$3,487.39;

(b) Twenty-five percent (25%) of the total allocation will be distributed equally among the four institutions as a baseline for common operations at each technical institute. The funds shall be divided by four (4);

(c) Seventy-five percent (75%) of the total allocation will be distributed within three program categories: high cost-low density programs, high cost programs, and standard cost programs. The funds shall be distributed by determining each program's full-time equivalent students, multiplied by the weighted program factor multiplied by the weighted per student value;

(d) The Director will identify the weighted program factor of each program documented on the South Dakota School District Accounting Manual;

(e) The weighted per student value is determined by the allocation divided by adding the total high cost-low density program's full-time equivalent students multiplied by a weighted program factor, plus the total high cost program's full-time equivalent students multiplied by a weighted program factor, plus the total standard cost program's full-time equivalent students by a weighted program factor.

**Source:** 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 28 SDR 169, effective June 17, 2002; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 169, adopted April 21, 2010, effective July 1, 2010; 40 SDR 229, effective July 1, 2014; 42 SDR 35, effective September 14, 2015; 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37.

**Law Implemented:** SDCL 13-39-37 to 13-39-39.

## **CHAPTER 24:10:49**

### **POSTSECONDARY TECHNICAL INSTITUTE INSTRUCTOR SALARY SUPPORT**

#### Section

- 24:10:49:01 Purpose of salary support funds.
- 24:10:49:02 Market value determination.
- 24:10:49:03 Information to be provided.
- 24:10:49:04 Calculation of need.
- 24:10:49:05 Distribution of funds.
- 24:10:49:06 Instructor salary adjustments.
- 24:10:49:07 Reporting.

**24:10:49:01. Purpose of salary support funds.** Salary support funds shall be used to increase instructor salaries to ~~market value~~ levels competitive with supervisory-level salaries in applicable industries on a per-day basis. Funds will be distributed to achieve equitable market values among the postsecondary technical institutes based on market analysis.

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.

**24:10:49:02. Market value determination.** The department shall set a wage range and market value for each instructor position every three years. The department may consult the ~~DLR~~ Department of Labor and Regulation or the Bureau of Human Resources to set the market value.

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.

**24:10:49:03. Information to be provided.** By ~~November thirtieth~~ March fifteenth of each year, each postsecondary technical institute shall provide the following information for each program in ~~that~~ the following academic year:

- (1) Average salary per instructor;
- (2) Average number of contract days;
- (3) Number of instructors; and
- (4) Justification for increase of contract days for the next academic year of instructors,

with detail regarding how the increased contract days will be sustained.

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.

**24:10:49:04. Calculation of need.** ~~Based upon the information referenced in § 24:10:49:03,~~ In the first year, market values are determined as provided in § 24:10:49:02. The department shall calculate, for each postsecondary technical institute, the actual average daily rate per program based upon the information provided in § 24:10:49:03. The department shall then calculate need for technical instructors and general education instructors separately within each program as follows:

(1) For each program, subtract the actual average daily rate per program from the target average daily rate per program to determine the average daily program gap;

(2) If the calculation in subsection (1) results in a positive number, then multiply the average daily program gap by the average instructor contract days per year for the program and the total number of program instructors to determine the total program salary gap;

(3) Add 14.06 percent to the total program salary gap to account for increased benefits to arrive at the total program need; and

(4) Add all of the total program needs to determine the total need for each postsecondary technical institute.

In the two years following the determination of market values as provided in § 24:10:49:02, the department shall base need calculations on the prior year's actual compensation reported in § 24:10:49:07, taking into account changes to teaching experience, academic degrees, industry credentials, performance, number of instructors, or number of contract days.

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75

**24:10:49:06. Instructor salary adjustments.** From the funds distributed to each postsecondary technical institute, the president shall determine compensation for individual instructors in programs with identified need as determined in § 24:10:49:04(1). Compensation shall be based on factors including industry experience, teaching experience, academic degrees, industry credentials, and performance. All postsecondary technical institute presidents shall use a common rubric and methodology to determine instructors' compensation.

~~If the payments referenced in this section are subject to negotiation with the designated collective bargain representative of the instructor, the negotiation shall be consistent with the requirements of this section.~~

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.

**24:10:49:07. Reporting.** Each postsecondary technical institute shall provide a report to the department by July fifteenth of each year detailing how the salary support funds were ~~used~~ applied to instructors' salaries and the resulting instructor compensation. In addition, the postsecondary technical institute is responsible for reporting quarterly any difference between need calculated pursuant to § 24:10:49:04 and funding applied pursuant to § 24:10:49:06. The department shall annually provide a report to the Board of Education and the Legislature.

**Source:** 43 SDR 9, effective August 4, 2016.

**General Authority:** SDCL 13-39-37, 13-39-75.

**Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.

**ARTICLE 24:17**  
**GENERAL STATE AID**

Chapter

- 24:17:01 Definition of terms
- 24:17:02 Excess general funds, Repealed.
- 24:17:03 Student records.

**CHAPTER 24:17:03**  
**STUDENT RECORDS**

Section

- 24:17:03:01 Requirement to submit student record form.
- 24:17:03:02 Student data submission.
- 24:17:03:03 Extension of deadlines.
- 24:17:03:04 Department review of student records.
- 24:17:03:05 Exception to nonduplicative dates requirement.
- 24:17:03:06 ~~Mandatory dropping of students~~ Student count for state aid purposes.
- 24:17:03:07 Average daily membership weight of students attending short-term group care education program.
- 24:17:03:08 Requirement to submit calendar data.
- 24:17:03:09 Student enrollment dates.
- 24:17:03:10 Requirement to submit educational structure data.

**24:17:03:06. ~~Mandatory dropping of students~~ Student count for state aid purposes.**

~~Any~~ No student who has an unexcused absence of 15 consecutive school days shall be dropped from may be included in the count of the attendance center for state aid purposes, retroactive to the last day the student attended school or had an excused absence. An excused absence, for purposes of this section, includes medical illness and enrollment in a short-term group care education program for up to 90 consecutive school days. Nothing in this section supersedes the student due process requirements referenced in SDCL chapter 13-32, article 24:07, or other applicable law.

**Source:** 28 SDR 19, effective August 19, 2001; 36 SDR 215, effective July 6, 2010.

**General Authority:** SDCL 13-3-51, 13-13-37.4.

**Law Implemented:** SDCL 13-3-51, 13-13-10.1, 13-13-37.4.

**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.
- 24:55:09 Appeals.
- 24:55:10 Accountability system review.

**CHAPTER 24:55:02**

**PUBLIC SCHOOL PERFORMANCE INDEX**

Section

- 24:55:02:01 Key indicators of public school performance.
- 24:55:02:02 Repealed.
- 24:55:02:03 Presecondary school level key indicators.
- 24:55:02:04 Repealed.
- 24:55:02:05 Secondary school level key indicators.
- 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.
- 24:55:02:09.01 Calculation of college readiness in math.
- 24:55:02:09.02 Calculation of college readiness in English.
- 24:55:02:09.03 Calculation of career readiness.
- 24:55:02:10 Calculation of total SPI score for a public school.
- 24:55:02:11 Calculation of SPI score for the state level.
- 24:55:02:12 Academic growth key indicator.
- 24:55:02:13 Repealed.
- 24:55:02:14 Repealed.

Appendix A SPI Key Indicators Table – Presecondary School Level, Amended and Renamed.

Appendix B SPI Key Indicators Table – Secondary School Level, Amended and Renamed.

Appendix C Student Achievement Calculation Table – Presecondary School Level, Amended and Renamed.

Appendix D Student Achievement Calculation Table – Secondary School Level, Amended and Renamed.

Appendix E Student Attendance Calculation Table, Amended and Renamed.

Appendix F High School Completion Calculation Table, Amended and Renamed.

Appendix G College and Career Readiness Calculation Table, Amended and Renamed.

Appendix H Amended and Renamed Appendix D.

Appendix I Amended and Renamed Appendix E.

Appendix J Amended and Renamed Appendix F.

Appendix K Repealed.

Appendix L Amended and Renamed Appendix G.

Appendix M Academic Growth Calculation Table.

**24:55:02:03. Presecondary school level key indicators.** For the ~~2015-2016~~ 2016-2017 school year the student achievement, student attendance, and academic growth key indicators shall be used to assess the performance of each public school at the presecondary school level. The student achievement and academic growth key indicators shall each be worth a maximum of forty points, and the student attendance key indicator shall be worth a maximum of twenty points.

The implementation of key indicators at the presecondary school level is illustrated in Appendix A at the end of this chapter.

**Source:** 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

**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.** For the ~~2015-2016~~ 2016-2017 school year the student achievement, high school completion, and college and career readiness key indicators shall be used to assess the performance of each public school at the secondary school level. The student achievement key indicator shall be worth a maximum of forty points, and the high school completion and college and career readiness key indicators shall each be worth a maximum of thirty points.

The implementation of key indicators at the secondary school level is illustrated in Appendix B at the end of this chapter.

**Source:** 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SR 98, effective January 7, 2016.

**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.** For the ~~2015-2016~~ 2016-2017 school year, the department shall base the student achievement SPI key indicator score for all public presecondary and secondary schools on the percentage of students at the proficient level on the state academic assessment for the ~~two~~ three most recent school years. 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 English language arts and mathematics scores equally. The department shall then calculate the percentage of students in that school in the gap group and the nongap group for the ~~two~~ three most recent school years 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 at the proficient level on the state academic assessment in the ~~two~~ three most recent school years to come up with four scores: gap group English language arts, gap group math, nongap group English language arts, 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 C and D, inclusive, at the end of this chapter.

**Source:** 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

**General Authority:** SDCL 13-3-69(2)(5).

**Law Implemented:** SDCL 13-3-62, 13-3-63, 13-3-64, 13-3-69, inclusive.

**24:55:02:09. Calculation of college and career readiness SPI key indicator score.**

For the ~~2015-2016~~ 2016-2017 school year, the department shall base the college and career readiness SPI key indicator score for public secondary schools on postsecondary preparedness for college and career. Postsecondary preparedness for college shall be evidenced by participation in and performance on the Smarter Balanced assessment, the American College Test (ACT) for high school achievement, and the College Board Accuplacer test. Postsecondary preparedness for career shall be evidenced by participation in and performance on the National Career Readiness Certificate/ACT Work Keys (NCRC). If the school or district administers the NCRC, the department shall divide the maximum points for the college and career readiness indicator equally between college readiness in math, college readiness in English, and career readiness. If the school or district does not administer the NCRC, then the department shall divide the maximum points for the college and career readiness indicator equally between college readiness in math and college readiness in English. The department shall calculate the college and career readiness SPI key indicator score for a public secondary school by adding together the numbers obtained via the calculations in §§ 24:55:02:09.01 to 24:55:02:09.03, inclusive. This calculation is illustrated in Appendix G at the end of this chapter.

**Source:** 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

**General Authority:** SDCL 13-3-69(5)(8).

**Law Implemented:** SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69, inclusive.

**24:55:02:09.01. Calculation of college readiness in math.** To determine college readiness in math, the department shall:

(1) Determine the number of students in the school's graduating class in the prior year who took the Smarter Balanced math assessment and scored at a Level 3 or Level 4;

~~(1)~~(2) Determine the number of students in the school's graduating class in the prior year whose Smarter Balanced math assessment score did not meet or exceed the score referenced in subsection (1) but who took the ACT and received a math subscore of at least twenty;

~~(2)~~(3) Determine the number of students in the school's graduating class in the prior year whose Smarter Balanced math assessment score did not meet or exceed the score referenced in subsection (1) and whose ACT score did not meet or exceed the ACT score referenced in subsection (1) but who took the Accuplacer and received an algebra score of at least seventy-six;

~~(3)~~(4) Add the numbers obtained in subsections (1), ~~and (2)~~, and (3);

~~(4)~~(5) Divide the number obtained in subsection ~~(3)~~(4) by the total number of students in the school's graduating class from the prior year who took the Smarter Balanced assessment, the ACT, or the Accuplacer; and

~~(5)~~(6) Multiply the number obtained in subsection ~~(4)~~(5) by the maximum points allocated to college readiness in math pursuant to § 24:55:02:09.

**Source:** 42 SDR 98, effective January 7, 2016.

**General Authority:** SDCL 13-3-69(5)(8).

**Law Implemented:** SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69.

**24:55:02:09.02. Calculation of college readiness in English.** To determine college readiness in English, the department shall:

(1) Determine the number of students in the school's graduating class in the prior year who took the Smarter Balanced English language arts assessment and scored at a Level 3 or Level 4;

~~(1)~~(2) Determine the number of students in the school's graduating class in the prior year whose Smarter Balanced English language arts assessment score did not meet or exceed the score referenced in subsection (1) but who took the ACT and received an English subscore of at least eighteen;

~~(2)~~(3) Determine the number of students in the school's graduating class in the prior year whose Smarter Balanced English language arts assessment score did not meet or exceed the score referenced in subsection (1) and whose ACT score did not meet or exceed the ACT score referenced in subsection ~~(1)~~(2), but who took the Accuplacer and received a sentence skills score of at least eighty-six;

~~(3)~~(4) Add the numbers obtained in subsections (1), ~~and (2)~~, and (3);

~~(4)~~(5) Divide the number obtained in subsection ~~(3)~~(4) by the total number of students in the school's graduating class in the prior year who took the Smarter Balanced assessment, the ACT, or the Accuplacer; and

~~(5)~~(6) Multiply the number obtained in subsection ~~(4)~~(5) by the maximum points allocated to college readiness in English pursuant to § 24:55:02:09.

**Source:** 42 SDR 98, effective January 7, 2016.

**General Authority:** SDCL 13-3-69(5)(8).

**Law Implemented:** SDCL 13-3-62, 13-3-63, 13-3-65, 13-3-69.

DEPARTMENT OF EDUCATION

STUDENT ACHIEVEMENT CALCULATION TABLE  
PRESECONDARY SCHOOL LEVEL

Chapter 24:55:02

APPENDIX C

SEE: § 24:55:02:06

Source: 39 SDR 51, effective October 2, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

LRC Editor's Note: Appendix F was amended and renamed Appendix C, effective July 1, 2015.

**Student achievement calculation:  
Presecondary School Level**

ENGLISH LANGUAGE ARTS – 20 points (of the total 40 points)	MATHEMATICS – 20 points (of the total 40 points)
% students in Gap Group for the <del>two</del> <u>three</u> most recent school years	% students in Gap Group for the <del>two</del> <u>three</u> most recent school years
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (20) = Weighted Points	½ apportioned indicator points (20) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Gap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in English language arts =	% students in Gap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in math =
<b>Gap Group English Language Arts Score</b>	<b>Gap Group Math Score</b>
% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years	% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (20) = Weighted Points	½ apportioned indicator points (20) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in English language arts =	% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in math =
<b>Nongap Group Reading Score</b>	<b>Nongap Group Math Score</b>
	<b>Sum of four subtotals equals final Student Achievement SPI Key Indicator score</b>

DEPARTMENT OF EDUCATION

STUDENT ACHIEVEMENT CALCULATION TABLE

SECONDARY SCHOOL LEVEL

Chapter 24:55:02

APPENDIX D

SEE: § 24:55:02:06

Source: 39 SDR 51, effective October 2, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

LRC Editor's Note: Appendix H was amended and renamed Appendix D, effective July 1, 2015.

**Student achievement calculation:  
Secondary School Level**

ENGLISH LANGUAGE ARTS – 20 points (of the total 40 points)	MATHEMATICS – 20 points (of the total 40 points)
% students in Gap Group for the <del>two</del> <u>three</u> most recent school years	% students in Gap Group for the <del>two</del> <u>three</u> most recent school years
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (20) = Weighted Points	½ apportioned indicator points (20) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Gap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in English language arts =	% students in Gap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in math =
<b>Gap Group English Language Arts Score</b>	<b>Gap Group Math Score</b>
% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years	% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years
MULTIPLIED BY	MULTIPLIED BY
½ apportioned indicator points (20) = Weighted Points	½ apportioned indicator points (20) = Weighted Points
MULTIPLIED BY	MULTIPLIED BY
% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in English language arts =	% students in Nongap Group for the <del>two</del> <u>three</u> most recent school years at proficient level in math =
<b>Nongap Group English Language Arts Score</b>	<b>Nongap Group Math Score</b>
	<b>Sum of four subtotals equals final Student Achievement SPI Key Indicator score</b>

DEPARTMENT OF EDUCATION

COLLEGE AND CAREER READINESS CALCULATION TABLE

Chapter 24:55:02

APPENDIX G

SEE: §§ 24:55:02:09 to 24:55:02:09.03, inclusive

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016.

LRC Editor's Note: Appendix L was amended and renamed Appendix G, effective July 1, 2015.

**For Schools and districts administering NCRC:**

<b>Math College Readiness</b>	<b>English College Readiness</b>	<b>Career Readiness</b>
<u>Number of school's prior year graduating class receiving a Level 3 or Level 4 on the Smarter Balanced math assessment;</u>	<u>Number of school's prior year graduating class receiving a Level 3 or Level 4 on the Smarter Balanced English language art assessment;</u>	Number of school's prior year graduating class scoring at bronze level or above on NCRC
<b>PLUS:</b>	<b>PLUS:</b>	
Number of school's prior year graduating class receiving <u>less than a Level 3 on the Smarter Balanced math assessment</u> but at least 20 math subscore on ACT;	Number of school's prior year graduating class receiving <u>less than a Level 3 on the Smarter Balanced English language arts assessment</u> but at least 18 English subscore on ACT;	
<b>PLUS:</b>	<b>PLUS:</b>	
Number of school's prior year graduating class receiving less than a <u>Level 3 on the Smarter Balanced math assessment</u> , less than a 20 math subscore on ACT but receiving at least 76 algebra subscore on Accuplacer;	Number of school's prior year graduating class receiving less than a <u>Level 3 on the Smarter Balanced English language arts assessment</u> , less than an 18 English subscore on ACT but receiving at least 86 sentence skills subscore on Accuplacer;	
<b>DIVIDED BY:</b>	<b>DIVIDED BY:</b>	<b>DIVIDED BY:</b>
Total number of school's prior year graduating class who took <u>the Smarter Balanced assessment</u> , the ACT <sub>2</sub> , or the Accuplacer;	Total number of school's prior year graduating class who took <u>the Smarter Balanced assessment</u> , the ACT <sub>2</sub> , or the Accuplacer;	Total number of school's prior year graduating class who took the NCRC;
<b>MULTIPLIED BY:</b>	<b>MULTIPLIED BY:</b>	<b>MULTIPLIED BY:</b>
10 points	10 points	10 points
<b>EQUALS:</b>	<b>EQUALS:</b>	<b>EQUALS:</b>
<b>Math college ready total</b>	<b>English college ready total</b>	<b>Career ready total</b>
<b>Sum of math college ready total, English college ready total, and career ready total EQUALS final College and Career Ready SPI Key Indicator Score</b>		

**For schools and districts administering NCRC:**

<b>Math College Readiness</b>	<b>English College Readiness</b>
<u>Number of school's prior year graduating class receiving a Level 3 or Level 4 on the Smarter Balanced math assessment;</u>	<u>Number of school's prior year graduating class receiving a Level 3 or Level 4 on the Smarter Balanced English language arts assessment;</u>
<u>PLUS:</u>	<u>PLUS:</u>
Number of school's prior year graduating class receiving <u>less than a Level 3 on the Smarter Balanced math assessment, but at least 20 math subscore on ACT;</u>	Number of school's prior year graduating class receiving <u>less than a Level 3 on the Smarter Balanced English language arts assessment but at least 18 English subscore on ACT;</u>
<u>PLUS:</u>	<u>PLUS:</u>
Number of school's prior year graduating class receiving less than <u>a Level 3 on the Smarter Balanced math assessment, less than a 20 math subscore on ACT,</u> but receiving at least 76 algebra subscore on Accuplacer;	Number of school's prior year graduating class receiving less than <u>a Level 3 on the Smarter Balanced English language arts assessment, less than an 18 English subscore on ACT,</u> but receiving at least 86 sentence skills subscore on Accuplacer;
<u>DIVIDED BY:</u>	<u>DIVIDED BY:</u>
Total number of school's prior year graduating class who took the <u>Smarter Balanced assessment, the ACT,</u> or the Accuplacer;	Total number of school's prior year graduating class who took the <u>Smarter Balanced assessment, the ACT,</u> or the Accuplacer;
<u>MULTIPLIED BY:</u>	<u>MULTIPLIED BY:</u>
15 points	15 points
<u>EQUALS:</u>	<u>EQUALS:</u>
<b>Math college ready total</b>	<b>English college ready total</b>
Sum of math college ready total and English college ready total <u>EQUALS</u> final College and Career Ready 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.
- 24:55:03:04 Classification of status schools.
- 24:55:03:05 Classification of progressing schools.
- 24:55:03:06 Repealed.
- 24:55:03:07 Classification of priority schools.
- 24:55:03:07.01 Classification of priority districts.
- 24:55:03:08 Classification of focus schools.
- 24:55:03:09 Repealed.
- 24:55:03:10 Repealed.
- 24:55:03:11 Repealed.
- 24:55:03:12 Repealed.
- 24:55:03:13 Repealed.
- 24:55:03:14 Repealed.

**24:55:03:15. Ranking and classification suspended for ~~2015-2016~~ 2016-**

**2017**. Notwithstanding any other provision in this article, the department may not rank public schools for the ~~2015-2016~~ 2016-2017 school year. For the ~~2015-2016~~ 2016-2017 school year, the department shall retain the classification assigned to each school pursuant to this chapter for

the 2014-2015 school year, except that the department shall remove the priority or focus school classification if the school meets the criteria established in 24:55:04:06 and 24:55:04:08.

**Source:** 42 SDR 182, effective June 27, 2016.

**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 priority schools.
- 24:55:04:03 Interventions for priority districts.
- 24:55:04:04 Interventions for focus schools.
- 24:55:04:05 Repealed.
- 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.
- 24:55:04:08.01 Exit criteria for a school classified as a focus school pursuant to  
§ 24:55:03:08(1) or (2).
- 24:55:04:08.02 Exit criteria for schools classified as focus schools pursuant to § 24:55:03:08(3).
- 24:55:04:09 Failure of focus school to progress.
- 24:55:04:10 Rewards and recognition.

**24:55:04:06. Exiting priority school classification.** After a school has been classified a priority school for four years, and has fully implemented interventions aligned to all of the turnaround principles pursuant to § 24:55:04:02 for three complete 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; and
- ~~(2) The gap group and nongap group in the school have met the annual targets in English language arts and math referenced in § 24:55:05:02 for the last three school years; and~~
- ~~(3)~~(2) Follow-up program audits show that interventions required by the chapter are being implemented.

In addition to subsections (1) ~~to (3)~~ and (2), 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:** 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 218, effective July 1, 2015.

**General Authority:** SDCL 13-3-69(6).

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

**24:55:04:08.01. Exit criteria for a school classified as a focus school pursuant to § 24:55:03:08(1) or (2).** For a school classified as a focus school pursuant to § 24:55:03:08(1) or (2), the school must meet the following criteria before it can exit focus school classification:

- (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; and

~~(2) The gap group in the school has met the annual targets in English language arts and math referenced in § 24:55:05:02; and~~

~~(3)~~(2) Annual monitoring by the department indicates that interventions required by this chapter have been implemented for a minimum of a full academic year and continue to be implemented.

**Source:** 40 SDR 40, effective September 11, 2013; 41 SDR 218, effective July 1, 2015.

**General Authority:** SDCL 13-3-69(6).

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

**ARTICLE 24:57**

**TEACHER PERFORMANCE STANDARDS AND EVALUATION**

Chapter

24:57:01 Definitions.

24:57:02 Teacher Evaluation Process.

**CHAPTER 24:57:01**

**DEFINITIONS**

Section

24:57:01:01 Definitions.

**24:57:01:01. Definitions.** Terms used in this article mean:

(1) "Danielson framework," the twenty-two components, clustered into domains one through four, inclusive, in The Framework for Teaching Evaluation Instrument (2013 edition) by Charlotte Danielson;

(2) "Department," the South Dakota Department of Education;

(3) "Evaluation," a process to assess objectively the performance of a teacher;

(4) "Professional practice rating," the rating assigned to a teacher using at least one component from each of the four domains of the Danielson framework;

(5) "State assessments," the academic achievement tests referenced in SDCL 13-3-55 and the science achievement test provided by the Department pursuant to 20 U.S.C. § 6311(b)(1)(C), as amended through December 1, 2013;

(6) "State minimum evaluation requirements," the model for evaluating teacher performance which, for each teacher:

- (a) Assigns a professional practice rating;
- (b) Assigns a student growth rating based on attainment of student learning objectives;
- ~~(c) Combines the professional practice rating and student growth rating into one summative effectiveness rating;~~

~~(d)~~(c) Will be used to guide professional growth; and

~~(e)~~(d) Provides clear, timely, and useful feedback, including feedback that identifies needs and guides professional development;

The ratings in (a) and (b) may be combined into a summative effectiveness rating;

(7) Student growth," a change in student achievement between two or more points in time;

(8) Student growth rating," the rating assigned to a teacher based on student growth;

(9) "Student learning objectives," target goals of student growth which:

(a) Reflect a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period;

(b) Are written by a teacher and approved by an evaluator; and

(c) Include district, school, or teacher-developed assessments ~~and, where applicable, state assessments;~~

(10) "Summative effectiveness rating," the combination of a teacher's professional practice rating and student growth rating into one of the following categories: Below Expectations, Meets Expectations, or Exceeds Expectations;

(11) "Teacher," for purposes of this article, an individual who:

- (a) Provides instruction to any ~~grade~~, kindergarten through grade twelve student, ~~or ungraded class or who teaches in an environment other than a classroom setting~~;
- (b) Maintains daily student records;
- (c) Has completed an approved teacher education program at an accredited institution or completed an alternative certification program;
- (d) Has been issued a South Dakota certificate; and
- (e) Is not serving as a principal, assistant principal, superintendent, or assistant superintendent.

**Source:** 40 SDR 102, effective December 4, 2013; 41 SDR 109, effective January 12, 2015.

**General Authority:** SDCL 13-3-69(7), 13-42-33.

**Law Implemented:** SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

**Reference:** Charlotte Danielson, The Framework for Teaching Evaluation Instrument, published by the Danielson Group, 2013 edition. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from [www.danielsongroup.org](http://www.danielsongroup.org).

## CHAPTER 24:57:02

### TEACHER EVALUATION PROCESS

#### Section

- 24:57:02:01 Teacher performance standards.
- 24:57:02:02 State minimum evaluation requirements.
- 24:57:02:03 Alternative evaluation model.

24:57:02:04      Alternative evaluation application.

24:57:02:05      Application timelines.

24:57:02:06      Effect of application denial.

**24:57:02:03. Alternative evaluation model.** Notwithstanding § 24:57:02:02, a school district may use a model of professional practice other than the Danielson framework to evaluate its teachers if it proves to the department that this model is aligned with the Danielson framework. A school district may also choose not to use student learning objectives as a measure of student growth if it proves to the department that the district's method of measuring student growth for all teachers in the district reflects a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period and includes district, school, or teacher-developed assessments ~~and, where applicable, state assessments.~~

**Source:** 40 SDR 102, effective December 4, 2013.

**General Authority:** SDCL 13-3-69(7), 13-42-33.

**Law Implemented:** SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.