

**24:55:01:01. Definitions.** Terms used in this article mean:

(1) "Accreditation," certification by the secretary that a school system meets the adopted standards of the state board for a specified school fiscal year;

(2) "Alternative school," programs outside of the traditional setting whereby students receive instruction as an extension of the regular or traditional school environment;

(3) "Attendance, day of," a day in which an enrolled person is present under the guidance and direction of a teacher for the minimum length of time that school is in session;

(4) "Attendance rate," the percentage of students meeting the ninety-four percent target attendance percentage as referenced in § 24:55:02:07(3);

(5) "Below proficient level," scoring level one or two on the state academic assessment;

(6) "Confidence interval," a group of continuous or discrete adjacent values that is used to estimate a statistical parameter (as a mean or variance) and that tends to include the true value of the parameter a predetermined proportion of the time if the process of finding the group of values is repeated a number of times;

(7) "Department," Department of Education;

(8) "Dropout," a student who:

(a) Was enrolled in school at some time during the school year and was expected to be enrolled the following year but was not enrolled;

(b) Has not graduated from high school or completed a state or district approved educational program; and

(c) Has not met any of the following exclusionary conditions:

(i) Transfer to another public school district, private school, or state or district-approved educational program;

- (ii) Temporary school-recognized absence due to suspension or illness; or
- (iii) Death;

(9) "Dual enrollment," the enrollment of a student in a kindergarten through twelfth grade program in two or more school systems at the same time;

(10) "Economically disadvantaged," students who qualify for free and reduced lunch status;

(11) "Enrollment," for accountability purposes, the total number of students who are enrolled in a public school for greater than fifty percent of a school day;

(12) "ESSA," the Every Student Succeeds Act, PL 114-95 (December 10, 2015);

~~(12)~~(13) "ESEA," the Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq., as in effect on August 23, 2012;

~~(13)~~(14) "Grade," that portion of a school program that represents the work of one regular school term, identified by a designation such as kindergarten, grade one, or grade ten;

~~(14)~~(15) "Gap group," an aggregate count of student groups that have experienced the most significant achievement gaps on the state academic assessment. The gap group must be re-evaluated following the 2014-15 school year, using the most recent three years of state academic assessment data. After the 2014-15 school year, the gap group must be re-evaluated on a six-year cycle. The gap group currently includes the following student groups: Black or African American; American Indian or Alaska Native; Hispanic/Latino; economically disadvantaged; students with disabilities; and limited English proficient;

~~(15)~~(16) "Gap group indicator," for student achievement, the percentage of gap group students who scored at the proficient level on the state academic assessment; for graduation rate,

the graduation rate of gap group students; and for student attendance, the student attendance rate of gap group students;

~~(16)~~(17) "Graduation rate," the four-year adjusted cohort graduation rate as defined in 34 C.F.R. § 200.19(b)(1) (November 28, 2008);

~~(17)~~(18) "High school completion rate," the number of students who, in the most recently completed school year, have attained a regular high school diploma or a General Equivalency Diploma (GED) divided by the total number of students in that same year who dropped out or attained a regular high school diploma or a GED;

~~(18)~~(19) "Key indicators," the key indicators of public school performance in §§ 24:55:02:03 and 24:55:02:05;

~~(19)~~(20) "Limited English proficient," as that term is defined in 20 U.S.C. § 7801 (25) (2002);

~~(20)~~(21) "Nongap group," all students in a specific public school who are not included in the gap group;

~~(21)~~(22) "Presecondary school level," the elementary, middle, and junior high school levels;

~~(22)~~(23) "Proficient level," scoring level three or four on the state academic assessment;

~~(23)~~(24) "School district," a public school district as defined in SDCL 13-5-1;

~~(24)~~(25) "School, elementary," a school consisting of any combination of grades from kindergarten through eighth grade;

~~(25)~~(26) "School, junior high," a school consisting of any combination of two or more consecutive grades that must include grades seven and eight, and may include grade nine;

~~(26)~~(27) "School level," the designation of two separate and distinct levels for determining public school performance under the SPI, with those levels being the presecondary school level and the secondary school level;

~~(27)~~(28) "School, middle," a school consisting of any combination of two or more consecutive grades, five through eight;

~~(28)~~(29) "School, public," a public entity that is approved or accredited by the secretary for the purpose of instructing children of compulsory school age as provided in SDCL 13-27-1;

~~(29)~~(30) "School, secondary," a school consisting of any combination of three or more consecutive grades, including ninth grade through twelfth grade;

~~(30)~~(31) "School system," all of the schools and supporting services operated by a public school district;

~~(31)~~(32) "School term," "school year," the school term as defined in SDCL 13-26-1 and 13-26-2;

~~(32)~~(33) "Secretary," the secretary of the Department of Education;

~~(33)~~(34) "SPI," school performance index;

~~(34)~~(35) "SPI key indicator score," the score assigned to each key indicator at each school level;

~~(35)~~(36) "SPI ranking," the ranking referenced in § 24:55:03:01;

~~(36)~~(37) "State academic assessment," the academic achievement test in English language arts and mathematics annually administered to all students in grades three to eight, inclusive, and in grade eleven as defined in SDCL 13-3-55;

~~(37)~~(38) "Student," an individual for whom instruction is provided in an educational program under the jurisdiction of a public school district;

~~(38)~~(39) "Student growth," a change in student achievement between two or more points in time;

~~(39)~~(40) "Student growth percentile," a measure of student growth whereby the change in a student's performance on the state academic assessment over two or more years is compared with students across the state who have similar score histories on the state academic assessment;

~~(40)~~(41) "Students with disabilities," as defined in § 24:05:24.01:01;

~~(41)~~(42) "Teacher, certified," the holder of a valid South Dakota teacher certificate who is assigned to those responsibilities authorized by the certificate;

~~(42)~~(43) "Tier one growth," performance that within three years is not projected to allow a student to reach the proficient level but achieves a student growth percentile of seventy or more;

~~(43)~~(44) "Tier two growth," performance that is projected to maintain the proficient level on the state academic assessment over three years;

~~(44)~~(45) "Tier three growth," performance that is projected to reach the proficient level on the state academic assessment within three years;

~~(45)~~(46) "Title I, Part A," Title I, Part A, of the ESEA, 20 U.S.C. §§ 6301 to 6339, as in effect August 23, 2012;

~~(46)~~(47) "Title I school," "Title I district," a public school or public school district that receives funds under Title I, Part A and 34 C.F.R. Part 200 (July 1, 2014);

~~(47)~~(48) "Total SPI score," the sum of all SPI key indicator scores, with a maximum of 100 points allowed at each school level per school year; and

~~(48)~~(49) "US DOE," the United States Department of Education.

**Source:** 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 37, effective September 4, 2014; 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, 13-3-69.

## **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.

**24:55:03:15. Ranking and classification suspended for 2015-2016.** Notwithstanding any other provision in this article, the department shall not rank public schools for the 2015-2016 school year, and for the 2015-2016 school year the department shall retain the classification assigned to each school pursuant to this chapter for the 2014-2015 school year.

**Source:**

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

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

**Cross Reference:** US DOE Dear Colleague letter dated December 18, 2015, regarding transition from ESEA flexibility to ESSA: <http://www2.ed.gov/policy/elsec/leg/essa/transition-dcl.pdf> (page 3).

## **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.

24:55:04:11. Classification and exit criteria suspended for 2015-2016.

**24:55:04:11. Classification and exit criteria suspended for 2015-2016.**

Notwithstanding any other provision in this article, for the 2015-2016 school year the department shall retain the classification assigned to each school pursuant to this article for the 2014-2015 school year. The exit criteria referenced in §§ 24:55:04:06, 24:55:04:08, 24:55:04:08.01, and 24:55:04:08.02 shall not apply to the 2015-2016 school year classifications.

**Source:**

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

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

**Cross Reference:** US DOE Dear Colleague letter dated December 18, 2015, regarding transition from ESEA flexibility to ESSA: <http://www2.ed.gov/policy/elsec/leg/essa/transition-dcl.pdf> (page 3).