

ARTICLE 24:55

PUBLIC SCHOOL ACCOUNTABILITY SYSTEM

CHAPTER 24:55:01

DEFINITIONS

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

(1) "Academic indicators," at the presecondary level ~~shall consist of,~~ the student achievement, academic growth, and English language proficiency key indicators; at the secondary level, ~~shall consist of~~ the student achievement, graduation rate, college and career readiness, and English language proficiency key indicators;

~~(2) "Accreditation," certification by the secretary that a school system meets the adopted standards of the state board for a specified school fiscal year;~~

~~(32)~~ "Alternative school," programs outside of the traditional setting whereby students receive instruction as an extension of the regular or traditional school environment;

~~(43)~~ "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;

~~(54)~~ "Attendance rate," the percentage of students meeting the ~~ninety-four~~ ninety percent target attendance percentage as referenced in § 24:55:02:07;

~~(6) "Below proficient level," scoring level one or two on the state academic assessment;~~

~~(7) "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;~~

(85) "Department," Department of Education;

(96) "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~~ The student transferred to another ~~public~~ school district, private school, or state or district-approved educational program; or

(ii) ~~Temporary~~ The student has been granted a school-recognized temporary absence due to suspension or illness; or

(iii) Death;

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

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

(129) "English learner," as ~~that term is~~ defined in 20 U.S.C. § 7801(20)~~(2015)~~ effective December 10, 2015;

(1310) "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;

(1411) "~~ESEA,~~ the "Elementary and Secondary Education Act," (ESEA) codified at 20 U.S.C. 6301 et seq., as in effect on effective December 10, 2015;

~~(15) "ESSA," the Every Student Succeeds Act, Pub. L. No. 114-95 (December 10, 2015);~~

(1612) "Grade," ~~that the~~ 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~~;

~~(17) "Gap group," an aggregate count of student groups that have experienced the most significant achievement gaps on the state academic assessment. 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 English learner;~~

(~~1813~~) "Graduation rate," the four-year adjusted cohort graduation rate for students who attended at least 50 percent of the last year of enrollment at the same attendance center or who did not attend at least 50 percent of the last year of enrollment at the same attendance center but attended a given attendance center for the longest period in which they were enrolled in a ~~South Dakota~~ secondary school in this state, as defined ~~in Title I, Part A, of the ESEA, 20 U.S.C. § 8101(25)~~ 7801(25) (December 10, 2015);

(~~1914~~) "High school completion rate," the number of students who attended at least 50 percent of the last year of enrollment at the same attendance center or who did not attend at least 50 percent of the last year of enrollment at the same attendance center but attended a given attendance center for the longest period in which they were enrolled in a ~~South Dakota~~ secondary school in this state, who, in the most recently completed school year, have attained a regular high school diploma or a high school equivalency, divided by the total number of students ~~in that same year~~ who dropped out or attained a regular high school diploma or a high school equivalency;

(~~2015~~) "Key indicators," the key indicators of public school performance in §§ 24:55:02:03 and 24:55:02:05;

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

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

~~(16) "Presecondary school," the any elementary, middle, or junior high school levels;~~

~~(2317) "Proficient level," scoring level three or four on the state academic assessment;~~

~~(2418) "School district," a public school district as defined in SDCL 13-5-1;~~

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

~~——(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;~~

~~(2719) "School level," the designation of two separate and distinct levels for determining public school performance under the SPI school performance index, with those levels being the presecondary school level and the secondary school level; the postsecondary school level or the secondary school level used to determine public school performance under the school performance index;~~

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

~~——(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;~~

(3020) "~~School, secondary~~Secondary school," a school consisting of any combination of three or more consecutive grades, including from ninth grade through twelfth grade;

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

(3221) "School term," "school year," the school term as defined in SDCL 13-26-1 and 13-26-2;

(3322) "Secretary," the secretary of the Department of Education;

~~(3423) "SPI," school performance index;~~ "School performance index," 100-point scale consisting of multiple indicators, each assigned a numeric value, utilized to inform school leaders, teachers, and the public as to how schools are progressing; measure school performance;

(3524) "SPI School performance index key indicator score," the score assigned to each key indicator at each school level;

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

(3725) "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 provided in SDCL 13-3-55;

~~(3826)~~ "Student," an individual for whom instruction is provided in an educational program under the jurisdiction of a ~~publie~~ school district;

~~(3927)~~ "Student growth," a change in student achievement between two or more points in time;

~~(4028)~~ "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;

~~(4129)~~ "Students with disabilities," as defined in § 24:05:24.01:01;

~~(4230)~~ "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;

~~(4331)~~ "Tier two growth," performance that is projected to maintain the proficient level on the state academic assessment over three years;

~~(4432)~~ "Tier three growth," performance that is projected to reach the proficient level on the state academic assessment within three years;

~~(45) "Title I, Part A," Title I, Part A, of the ESEA, 20 U.S.C. §§ 6301 to 6339, as in effect December 10, 2015;~~

(4633) "Title I school," "Title I district," a public school or ~~public~~ school district that receives funds under Title I, Part A, 20 U.S.C. §§ 6301 to 6339, and 34 C.F.R. Part 200 (July 1, 2014); and

(4734) "Total SPI school performance index score," the sum of all SPI school performance index key indicator scores, with a maximum of 100 points allowed at each school level per school year; ~~and~~.

~~(48) "US ED," 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; 42 SDR 182, effective June 27, 2016; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-69.

24:55:01:05. Student groups defined. For purposes of this article, the term, student groups, means ~~identification of~~ the following groups of students for purposes of aggregating and disaggregating data:

- (1) All students enrolled in a specific public school;
- (2) Economically disadvantaged students;
- (3) Students from the following major racial and ethnic groups according to definitions established by the United States Census Report: Hispanic/Latino; American Indian or Alaska Native;

Asian, Black or African American; Native Hawaiian or Other Pacific Islander; White; and two or more races;

(4) Students with disabilities;

(5) Students who are English learners;

(6) ~~Gap group students; and~~ Students in foster care;

(7) ~~Nongap group students.~~ Students who are homeless;

(8) Students with a parent who is a member of the armed forces on active duty or serves on full-time National Guard duty; and

(9) Migrant students.

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62, 13-3-64, 13-3-65, 13-3-69, ~~inclusive.~~

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.

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24:55:02:06 Calculation of student achievement [SPI school performance index](#) key indicator score.

24:55:02:07 Calculation of student attendance [SPI school performance index](#) key indicator score.

24:55:02:08 Calculation of high school completion [SPI school performance index](#) key indicator score.

24:55:02:09 Calculation of college and career readiness [SPI school performance index](#) key indicator score.

24:55:02:09.01 Repealed.

24:55:02:09.02 Repealed.

24:55:02:09.03 Repealed.

24:55:02:09.04 Calculation of assessment of readiness.

24:55:02:09.05 Calculation of progress towards post high school credentials.

24:55:02:10 Calculation of total [SPI school performance index](#) score for a public school.

24:55:02:11 Repealed.

24:55:02:12 Academic growth key indicator.

24:55:02:13 Repealed.

24:55:02:14 Repealed.

24:55:02:15 Calculation of English language proficiency key indicator score.

24:55:02:16 Calculation of graduation rate key indicator score.

Appendix A [SPI School performance index](#) Key Indicators Table – Presecondary School Level, Amended and Renamed.

Appendix B [SPI School performance index](#) 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, repealed, 44 SDR 95, effective December 6, 2017.
- 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.
- Appendix N English Language Proficiency Calculation Table.
- Appendix O Graduation Rate Calculation Table.

24:55:02:01. Key indicators of public school performance. The accountability system ~~shall~~ must include multiple indicators of public school performance in advancing student learning and in improving instruction and school leadership. The department shall calculate SPI-school performance index (SPI) key indicator scores for each public school for each school year, with each key indicator assigned a maximum value according to this chapter. The department ~~also~~ shall calculate a total SPI score for each public school, with one hundred points being the maximum value.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62 to 13-3-65, inclusive, 13-3-69, ~~inclusive~~.

24:55:02:06. Calculation of student achievement SPI school performance index key indicator score. The department shall base the student achievement SPI school performance index (SPI) key indicator score for all public presecondary and secondary schools on the percentage of students at each of the four levels on the state academic assessment for the 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 student achievement 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 scoring at each performance level. ~~In the event that~~ If a school did not assess at least 95%ninety-five percent of the tested population, the number of students needed to reach a 95%ninety-five percent participation rate is added to this calculation. Students not testing shall be assigned a value of 0zero percent. Full academic year students scoring at level 1 shall be assigned a value of 0.25 percent, full academic year students scoring at level 2 a value of 0.50 percent, full academic year students scoring at level 3 a value of ~~a full~~ one percent, and full academic year students scoring at level 4 a value of 1.25 percent. ~~This process~~The department shall ~~be completed~~ complete this process separately for math and English language arts.

The department then shall multiply these weighted points by the maximum points for this indicator to ~~come up with two scores:~~ calculate separate scores for English language arts and math.

The sum of these two scores is the final score for the student achievement SPI key indicator for that school.

This calculation is illustrated in Appendix C 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; 43 SDR 176, effective July 3, 2017; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

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

24:55:02:07. Calculation of student attendance SPI school performance index key indicator score. The department shall calculate the student attendance SPI school performance index key indicator score for all public presecondary schools as follows:

(1) For each full academic year student, divide the number of days the student was in attendance by the number of days the student was enrolled to obtain the attendance percentage;

(2) Count the number of students who have attained at least a ninety percent target attendance percentage;

(3) Divide the number obtained in subdivision (2) by the total number of full academic year students; and

(4) Multiply the number obtained in subdivision (3) by the maximum points for this indicator.

This calculation is illustrated in Appendix E at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(9).

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

24:55:02:08. Calculation of high school completion SPI school performance index key indicator score. To calculate the high school completion SPI school performance index key indicator score for a public secondary school, the department shall multiply the high school completion rate by the maximum points available for this indicator.

This calculation is illustrated in Appendix F at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

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. Calculation of college and career readiness SPI school performance index key indicator score. The department shall base the college and career readiness SPI school performance index (SPI) key indicator score for public secondary schools on postsecondary

preparedness for college and career through two pathways: assessment of readiness and progress towards post high school credentials.

_____Assessment of readiness ~~shall~~ must be evidenced by participation in and performance on the:
~~the Smarter Balanced assessment,~~

(1) South Dakota Math and English Language Arts Assessments

(2)the American College Test (ACT) for high school achievement,~~the;~~

(3)College Board Accuplacer test,~~and the;~~or

(4)National Career Readiness Certificate/ACT Work Keys (NCRC).

_____Progress towards post-high school credentials ~~shall~~ must be evidenced by performance on an Advanced Placement Exam, completion of a dual credit course sponsored by the state, or earning Career and Technical Education Concentrator status.

_____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 §§ 24:55:02:09.04 and 24:55:02:09.05. 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; 43 SDR 176, effective July 3, 2017; 44 SDR 95, effective December 6, 2017.

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

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

24:55:02:09.04. Calculation of assessment readiness. To determine the percent of students successfully completing the assessment of readiness pathway, the department shall:

(1) Determine the number of students in the cohort of students included in the school's prior year high school completion ~~SPI school performance index (SPI)~~ key indicator score calculation who demonstrated college readiness in English ~~through~~ by achieving one of the following scores:

- (a) A ~~Smarter Balanced English language arts~~ South Dakota English-Language Arts Assessment score of level 3 or 4;
- (b) An American College Test (ACT) English subscore of at least ~~18~~ eighteen; or
- (c) ~~An Accuplacer sentence skills score of at least eighty-six~~ Accuplacer-NextGen Writing score of at least two hundred sixty-three;

(2) Determine the number of students in the cohort of students included in the school's prior year high school completion SPI key indicator score calculation who demonstrated college readiness in math ~~through~~ by achieving one of the following scores:

- (a) A ~~Smarter Balanced math~~ South Dakota Math Assessment score of level 3 or 4;
- (b) An ACT math subscore of at least ~~20~~ twenty; or
- (c) An ~~Accuplacer algebra score of at least seventy-six~~ Accuplacer-NextGen-Quantitative Reasoning, Algebra & Statistics score of at least two hundred fifty-five;

(3) Determine the number of students in the cohort of students included in the school's prior year high school completion SPI key indicator score calculation who earned either a National Career Readiness Certificate of silver or above, or who achieved combined subscores to equate to a silver-level certificate;

(4) Divide the number of students meeting either the criteria in both subdivisions (1) and (2), or in subdivision (3), by the cohort of students included in the school's prior year high school completion SPI key indicator score calculation to arrive at determine the percent of students meeting the assessment of readiness pathway; and

(5) Multiply the number achieved in subdivision (4) by half of the points available for the indicator.

Source: 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

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

24:55:02:09.05. Calculation of progress towards post high school credentials. To determine the percent of students successfully completing the progress towards post high school credentials pathway, the department shall:

~~(1) Determine the number of students in the cohort of students included in the school's prior year high school completion SPI key indicator score calculation who earned Career and Technical Education Concentrator status;~~

~~(2) Determine the number of students in the cohort of students included in the school's prior year high school completion SPI key indicator score calculation who took an Advanced Placement exam at any point in the student's high school career and achieved a score of three or higher;~~

~~(3) Determine the number of students in the cohort of students included in the school's prior year high school completion SPI key indicator score calculation who took a dual credit course sponsored by the state and achieved a grade of C or better;~~

(1) Determine the number of students in the cohort of students included in the school's prior year high school completion school performance index (SPI) key indicator score calculation who earned one or more high school graduation advanced endorsements;

(4 ~~2~~) Divide the unduplicated number of students meeting ~~any the~~ criteria in subdivision (1); ~~(2), or (3)~~ by the cohort of students included in the school's prior year high school completion SPI key indicator score calculation to arrive at the percent of students meeting the progress towards post high school credentials pathway; and

~~(5-3)~~ Multiply the number achieved in subdivision (4-2) by half of the points available for the indicator.

Source: 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

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

24:55:02:10. Calculation of total SPI school performance index score for a public school.

The department shall calculate the total SPI school performance index (SPI) score for each public school by adding together all of the school's SPI key indicator scores.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62,13-3-69.

24:55:02:12. Academic growth key indicator. The department shall calculate the academic growth ~~SPI~~ school performance index (SPI) key indicator score of each public school using student growth percentiles to calculate growth in English language arts and in mathematics, based on the percentage of students achieving tier one, tier two, or tier three growth. The department shall calculate the academic growth key indicator as follows:

(1) Multiply ten points by the percentage of all full academic year students in the school who reached tier one, tier two, or tier three growth in English language arts;

(2) Multiply ten points by the percentage of all full academic year students in the school who reached tier one, tier two, or tier three growth in mathematics;

(3) Multiply ten points by the percentage of full academic year students in the lowest one fourth of students in the school based on prior year assessment scores for whom growth is calculated in English language arts who reached tier one, tier two, or tier three growth in English language arts;

(4) Multiply ten points by the percentage of full academic year students in the lowest one fourth of students in the school based on prior year assessment scores for whom growth is calculated in mathematics who reached tier one, tier two, or tier three growth in mathematics; and

(5) Add the numbers obtained **subsections in subdivisions** (1) through (4), inclusive.

This calculation is illustrated in Appendix M at the end of this chapter.

Source: 39 SDR 51, effective October 3, 2012; 42 SDR 98, effective January 7, 2016; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

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

24:55:02:15. Calculation of English language proficiency key indicator score. The department shall calculate an English language proficiency key indicator score for each public school based on the performance of full academic year English learner students in grades kindergarten through twelfth grade on the English language proficiency assessment who are either identified for the first time in the current **academic school** year and who met exit criteria or who are in the second or subsequent year of identification as an English learner.

The department shall consider separately **the a** students in the first year of identification who met exit criteria in year one of identification as an English learner, and **the a** students in the second or subsequent year of identification as an English learner. The department shall calculate an English language proficiency key indicator score for each public school as follows:

(1) For students in their first year of identification, calculate the percent of English learners included in the calculation who took the English language proficiency assessment and achieved a

score of proficiency and assign a value of one ~~full~~ percent. An English learner who did not take the English language proficiency assessment shall be assigned a value of zero;

(2) For students in their second and subsequent year of identification, calculate the percent of students scoring at each of the following benchmarks:

(a) An English learner who did not take the English language proficiency assessment shall be assigned a value of zero;

(b) An English learner whose composite score on the English language proficiency assessment is the same or lower than the prior year's score, who took the assessment but failed to receive a composite score, or who did not take the assessment when first identified but took the assessment for the first time in the current school year, shall be assigned a value of 0.25 percent;

(c) An English learner whose composite score on the English language proficiency assessment is above the English learner's previous year's score but which does not meet the target calculated as per § 24:55:05:07, or who took the assessment in the current school year but does not yet have a target to meet as calculated per § 24:55:05:07, or who exited later than the target calculated per § 24:55:05:07, shall be assigned a value of 0.50 percent;

(d) An English learner whose composite score on the English language proficiency assessment meets or exceeds the target calculated as per § 24:55:05:07, or who achieved a score of proficiency on the English language proficiency assessment, or who achieved a composite score of 4.0 – 4.9 on the English language proficiency assessment and scored a level 3 or 4 on the South Dakota English Language Arts assessment while in the fifth and final year of the targeted year to exit, shall be assigned a value of one percent;

(e) An English learner who achieved a score of proficiency on the English language proficiency assessment ahead of the target calculated as per § 24:55:05:07, or who achieved a composite score of 4.0 - 4.9 on the English language proficiency assessment and scored a level 3 or 4 on the South Dakota English-Language Arts assessment and took fewer than five years to exit, shall be assigned a value of 1.25 percent;

(3) Add the values achieved in subdivisions (1) and (2) and multiply by the possible points for the indicator to arrive at the English language proficiency key indicator points earned; and

(4) Hold accountable for the English language proficiency key indicator all schools with a student group size of ten or more students ~~over the most recent three years~~ of English language proficiency assessment scores. If a school has at least one English learner ~~in the three years considered~~ but fewer than ten, and the school district has ten or more English learners ~~over the three years considered~~, the following ~~shall apply applies~~:

(a) The department shall combine the results from every English learner in the district according to the methodology set out in § 24:55:02:15(2) ~~in order~~ to determine arrive at a district-level point total; and

(b) Every school in the district with at least one English learner ~~over three years~~ but fewer than ten English learners ~~over three years then~~ shall receive the same English learner proficiency key indicator point total derived from subsection (a).

If a district has fewer than ten English learners ~~over the three years considered~~, the points allotted for the English learner proficiency key indicator at the school level ~~shall~~ must be distributed evenly among the remaining academic indicators.

This calculation is illustrated in Appendix N at the end of this chapter.

Source: 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-62 to 13-3-65, inclusive, ~~and~~ 13-3-69.

24:55:02:16. Calculation of graduation rate key indicator score. To calculate the graduation rate ~~SPI~~ school performance index key indicator score for a public secondary school, the department shall multiply the graduation rate by the maximum points available for this indicator.

This calculation is illustrated in Appendix O at the end of this chapter.

Source: 44 SDR 95, effective December 6, 2017.

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

SPI SCHOOL PERFORMANCE INDEX KEY INDICATORS TABLE

PRESECONDARY SCHOOL LEVEL

Chapter 24:55:02

APPENDIX A

SEE: § 24:55:02:03

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016; 44 SDR 95, effective December 6, 2017.

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

Presecondary School Level

Student Achievement	Academic Growth	English Language Proficiency	Attendance
40 points max	40 points max	10 points max	10 points max

DEPARTMENT OF EDUCATION

~~SPI~~ SCHOOL PERFORMANCE INDEX KEY INDICATORS TABLE

SECONDARY SCHOOL LEVEL

Chapter 24:55:02

APPENDIX B

SEE: § 24:55:02:05

Source: 39 SDR 51, effective October 2, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016; 44 SDR 95, effective December 6, 2017.

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

Secondary School Level

Student Achievement	High School Completion	English Language Proficiency	College- and Career-Readiness
40 points max	25 points max	10 points max	25 points max

DEPARTMENT OF EDUCATION
 STUDENT ACHIEVEMENT CALCULATION TABLE

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; 43 SDR 176, effective July 3, 2017; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

Student achievement school performance index calculation:

The below steps reflect how to calculate the percent of points earned, out of twenty possible, based on the performance level of students on the assessments for English language arts and math.

ENGLISH LANGUAGE ARTS – (<u>worth</u> 20 points of the total 40 points)	MATHEMATICS – (<u>worth</u> 20 points of the total 40 points)
½ apportioned indicator points (20) MULTIPLIED BY	½ apportioned indicator points (20) MULTIPLIED BY

<p>% students for the three most recent school years at each level in English language arts-as per below =</p>	<p>% students for the three most recent school years at each level in math-as per below =</p>
<p><u>MULTIPLIED BY:</u></p>	<p><u>MULTIPLIED BY:</u></p>
<p>Nonparticipant: 0.00% Level 1 full academic year students: 0.25% Level 2 full academic year students: 0.50% Level 3 full academic year students: 1.00% Level 4 full academic year students: 1.25%</p>	<p>Nonparticipant: 0.00% Level 1 full academic year students: 0.25% Level 2 full academic year students: 0.50% Level 3 full academic year students: 1.00% Level 4 full academic year students: 1.25%</p>
<p><u>SUM OF PERCENTAGES:</u></p>	<p><u>SUM OF PERCENTAGES:</u></p>
<p><u>MULTIPLIED BY:</u></p>	<p><u>MULTIPLIED BY:</u></p>
<p><u>20 points</u></p>	<p><u>20 points</u></p>
<p><u>EQUALS:</u></p>	<p><u>EQUALS:</u></p>
<p>English Language Arts Score</p>	<p>Math Score</p>
<p>Sum of two subtotals equals final Student Achievement SPI Key Indicator score</p>	

DEPARTMENT OF EDUCATION

COLLEGE AND CAREER READINESS CALCULATION TABLE

Chapter 24:55:02

APPENDIX G

SEE: § 24:55:02:09

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 42 SDR 98, effective January 7, 2016; 43 SDR 176, effective July 3, 2017; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

Assessment of Readiness	Progress Towards Post High School Credentials
<p>Number of school's students included in the school's prior year high school completion SPI key indicator score calculation receiving a math subscore of at least 20 on ACT, at least a level 3 or 4 on Smarter Balanced math assessment-South Dakota Math Assessment, or an Accuplacer algebra score of at least 76 Accuplacer-NextGen-Quantitative Reasoning, Algebra & Statistics score of at least 255; and at least an English subscore of 18 on ACT, at least a level 3 or 4 on Smarter Balanced English language arts assessment-South Dakota English-Language Arts Assessment, or an Accuplacer sentence skills score of at least 86 Accuplacer-NextGen Writing score of at least 263;</p>	<p>Number of school's students included in the school's prior year high school completion SPI key indicator score calculation who achieved <u>a high school graduation advanced endorsement</u>; an Advanced Placement exam score of a 3 or better;</p> <p>PLUS</p> <p>Number of school's students included in the school's prior year high school completion SPI key indicator score calculation not achieving a 3 or better on an AP exam who achieved a C or better in a state-sponsored dual credit course</p>
<p>PLUS:</p>	<p>PLUS:</p>

<p>Number of school's students included in the school's prior year high school completion SPI key indicator score calculation who did not meet the above but did receive at least a silver certificate or a combined score that would equate to a silver certificate on the NCRC</p>	<p>Number of students included in the school's prior year high school completion SPI key indicator score calculation not achieving either of the above but who did earn CTE Concentrator status</p>
<p>DIVIDED BY:</p>	<p>DIVIDED BY:</p>
<p>Total number of students included in the high school completion SPI key indicator score calculation</p>	<p>Total number of students included in the high school completion SPI key indicator score calculation</p>
<p>MULTIPLIED BY:</p>	<p>MULTIPLIED BY:</p>
<p>12.5 points</p>	<p>12.5 points</p>
<p>EQUALS:</p>	<p>EQUALS:</p>
<p>Assessment Readiness Total</p>	<p>Progress Towards Post High School Credentials Total</p>
<p>Sum of Assessment of Readiness total and Progress Towards Post High School Credentials total EQUALS equals the final College and Career Ready SPI Key Indicator Score</p>	

DEPARTMENT OF EDUCATION

ACADEMIC GROWTH CALCULATION TABLE

Chapter 24:55:02

APPENDIX M

SEE: § 24:55:02:12

Source: 42 SDR 98, effective January 7, 2016; 44 SDR 192, effective July 2, 2018.

<p>ENGLISH LANGUAGE ARTS GROWTH - ALL STUDENTS 10 points (of the total 40 points)</p>	<p>MATHEMATICS GROWTH <u>ALL STUDENTS</u> - 10 points (of the total 40 points)</p>
<p><u>%Number</u> of all full academic year students in school achieving tier one, tier two, or tier three growth in English language arts</p>	<p><u>%Number</u> of all full academic year students in school achieving tier one, tier two, or tier three growth in mathematics</p>
<p>DIVIDED BY</p>	<p>DIVIDED BY</p>
<p><u>%Number</u> of all students for whom English language arts growth is calculated</p>	<p><u>%Number</u> of all students for whom mathematics growth is calculated</p>
<p>MULTIPLIED BY</p>	<p>MULTIPLIED BY</p>

10 points =	10 points =
<u>EQUALS</u>	<u>EQUALS</u>
All Students English Language Arts Growth Score	All Students Mathematics Growth Score
ENGLISH LANGUAGE ARTS GROWTH - LOWEST ONE FOURTH 10 points (of the total 40)	MATHEMATICS GROWTH - LOWEST ONE FOURTH 10 points (of the total 40)
<u>%Number</u> of the lowest one-fourth of full academic year students based on prior year assessment scores in the school achieving tier one, tier two, or tier three growth in English language arts	<u>%Number</u> of the lowest one-fourth of full academic year students based on prior year assessment scores in the school achieving tier one, tier two, or tier three growth in mathematics
DIVIDED BY	DIVIDED BY
The number of students in the lowest one-fourth for English language arts growth	The number of students in the lowest one-fourth for mathematics growth
MULTIPLIED BY	MULTIPLIED BY
10 points =	10 points =
<u>EQUALS</u>	<u>EQUALS</u>
Lowest Quartile English Language Arts Growth Score	Lowest Quartile Mathematics Growth Score
	Sum of four subtotals equals final Academic Growth SPI Key Indicator Score

ENGLISH LANGUAGE PROFICIENCY CALCULATION TABLE

Chapter 24:55:02

APPENDIX N

SEE: § 24:55:02:15

Source: 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

ENGLISH LEARNERS IN THEIR FIRST YEAR OF IDENTIFICATION:

FOR THE FOLLOWING STUDENT RESULT:	ASSIGN A VALUE OF:
<u>Did not take the English language proficiency assessment</u>	<u>0</u>
Took the English language proficiency assessment and achieved a score of proficiency	One <u>1.0</u>
EQUALS:	Percent of points earned for students in their first year of identification

FOR ENGLISH LEARNERS IN THEIR SECOND AND SUBSEQUENT YEAR OF

IDENTIFICATION:

FOR THE FOLLOWING STUDENT RESULT:	ASSIGN A VALUE OF:
Did not take the English language proficiency assessment	Zero <u>0</u>
Took the English language proficiency assessment and achieved one of the following results:	
1. No composite score 2. A composite score that was lower than the student's previous year's score 3. A composite score that was the same as the previous year's score <u>Or the student did not have a previous year's score</u>	0.25
Took the English language proficiency assessment and achieved one of the following results: 1. Took the English language proficiency assessment and a <u>A</u> chieved a better score than	0.50

<p>was achieved in the previous year, but a score that was not on target with the goals calculated as set out in § 24:55:05:07</p> <p>2. Took the assessment in the current year but does not yet have a target to meet as calculated per § 24:55:05:07</p> <p><u>3. Exited late: achieved proficient score on assessment but surpassed projected exit date</u></p>	
<p>Took the English language proficiency assessment and a <u>A</u>chieved a composite score that was less than 5.0, but that was on target or ahead of target with the goals calculated as set out in § 24:55:05:07</p>	<p>1.0</p>
<p>Took the English language proficiency assessment and a <u>A</u>chieved a composite score of 5.0 <u>or more</u> within the timeline calculated as set out in § 24:55:05:07</p>	<p>1.0</p>
<p><u>Achieved a composite score of 4.0 - 4.9 and scored a level 3 or 4 on the South Dakota English-Language Arts assessment and was in the fifth and final year of the student's progress trajectory.</u></p>	<p><u>1.0</u></p>

<p>Took the English language proficiency assessment and earned <u>Achieved</u> a composite score of 5.0 <u>or more</u> ahead of the timeline calculated as set out in § 24:55:05:07</p>	<p>1.25</p>
<p><u>Achieved a composite score of 4.0 – 4.9 and scored a level 3 or 4 on the ELA assessment and was fewer than five years into the student’s progress trajectory</u></p>	<p><u>1.25</u></p>
<p>EQUALS:</p>	<p>Percent of points earned for students in their second or subsequent years of identification</p>

THEN:

<p>Sum the value achieved for first year English learners plus second and subsequent year English learners</p>	
<p>MULTIPLY</p>	
<p>The value above by the total possible points for the indicator</p>	
<p>EQUALS:</p>	<p>Points earned for the English language proficiency indicator</p>

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	Repealed.
24:55:03:04	Repealed.
24:55:03:05	Repealed.
24:55:03:06	Repealed.
24:55:03:07	Classification of comprehensive support and improvement schools.
24:55:03:07.01	Repealed.
24:55:03:08	Classification of targeted support and improvement 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 2016-2017.

24:55:03:01. School performance index ranking. The department shall rank all public schools according to each school's total SPI school performance index score. This ranking ~~shall serve~~

as is the basis for the classification of public schools referenced in this chapter. The department shall rank the presecondary school level and the secondary school level separately.

Source: 39 SDR 51, effective October 3, 2012; 44 SDR 95, effective December 6, 2017.

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

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

24:55:03:07. Classification of comprehensive support and improvement schools. The department shall classify a school as a comprehensive support and improvement school if it meets any of the following criteria:

- (1) The school is a Title I school whose total **SPI school performance index (SPI)** score is at or below the bottom five percent of the total SPI scores for all Title I schools in that school level;
- (2) The school has a graduation rate below sixty-seven percent, regardless of whether the school accepts Title I funds; or
- (3) The school is a Title I school that was designated as **a an additional** targeted support and improvement school under subdivision 24:55:03:08(2) for four years and did not exit that status after four years.

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

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

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

24:55:03:08. Classification of targeted support and improvement schools. The department shall classify any public school, not already classified as a comprehensive support and improvement school, as a targeted support and improvement school, or as an additional targeted support and improvement school, if it meets either of the following criteria:

(1) ~~There is a disproportionate performance between all students and a subgroup or the gap group at a school over three years using a ninety-five percent confidence interval. Targeted support schools are schools with one or more subgroups that performed in the bottom twenty-five percent over a period of three years compared to like subgroups across the state. Only schools with subgroups that performed below the state's average for each indicator may be identified for targeted support and improvement.~~ This designation shall first take place for the 2017-2018 school year; or

(2) ~~For Additional targeted support~~ schools are identified under subdivision (1); if the subgroup triggering the identification performs no better on any indicator than the performance of schools designated for comprehensive support and improvement under § 24:55:03:07 for the school year under consideration. The department shall consider the performance over a period of three years ~~and using a 95 percent confidence interval.~~ This designation shall first take place for the 2017-2018 school year.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

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

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

24:55:03:15. Ranking and classification suspended for 2016-2017. Notwithstanding any other provision in this article, the department may not rank public schools for the 2016-2017 school year. For the 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; 43 SDR 176, effective July 3, 2017.

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: <https://www2.ed.gov/policy/elsec/leg/essa/transition-del.pdf>~~

CHAPTER 24:55:04

SANCTIONS, REWARDS, AND RECOGNITION

Section

- 24:55:04:01 Interventions and rewards.
- 24:55:04:02 Interventions for comprehensive support and improvement schools.
- 24:55:04:03 Repealed.
- 24:55:04:04 Interventions for targeted support and improvement schools.

- 24:55:04:05 Repealed.
- 24:55:04:06 Exiting comprehensive support and improvement school classification.
- 24:55:04:07 Failure of comprehensive support and improvement school to progress.
- 24:55:04:08 Exiting targeted support and improvement school classification.
- 24:55:04:08.01 Repealed.
- 24:55:04:08.02 Repealed.
- 24:55:04:09 Failure of targeted support and improvement school to progress.
- 24:55:04:10 Rewards and recognition.
- 24:55:04:11 Classification and exit criteria suspended for 2015-2016, Repealed.

24:55:04:08. Exiting targeted support and improvement school classification. After a school has been classified a targeted support and improvement school for two years, the department shall examine whether the school meets the exit criteria based on the data from ~~aeross~~ the years of designation. The department shall remove the targeted support and improvement school classification if the school no longer meets the definition under which it was designated for targeted support. meets the following criteria:

~~—— (1) The school no longer meets the definition under which it was designated for targeted support;~~

~~—— (2) The performance of the subgroup or gap group triggering the initial designation on all indicators shows improvement over the level from the year that resulted in the school's designation; and~~

~~—— (3) The performance of the school's gap group on all indicators over the period of designation has not declined.~~

~~—A school meeting the above criteria and meeting its annual targets towards long term goals may petition the department to exit the designation early.~~

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 44 SDR 95, effective December 6, 2017.

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

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

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 does not apply to the 2015-2016 school year classifications.~~ Repealed.

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

~~—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/transitiondel.pdf> (page 3).~~

CHAPTER 24:55:05

ACADEMIC PROGRESS

Section

Section

- 24:55:05:01 Academic progress defined.
- 24:55:05:02 Student achievement progress goals and targets.
- 24:55:05:03 Calculation of student achievement progress goals and yearly targets.
- 24:55:05:04 Graduation rate progress goals and targets.
- 24:55:05:05 Calculation of graduation rate progress goals and targets.
- 24:55:05:06 English language proficiency rate progress goals and targets.
- 24:55:05:07 Calculation of English language proficiency rate progress goals and targets.
- 24:55:05:08 Student-level English language proficiency rate progress goal and targets.
- 24:55:05:09 Calculation of student-level English language proficiency rate progress goal and targets.

...

Appendix A Academic Progress Calculation Table, Repealed.

Appendix B Graduation Rate Progress Calculation Table, Repealed.

Appendix C English Language Proficiency Rate Progress Calculation Table.

Appendix D Student-level English Language Proficiency Rate Progress Calculation Table.

24:55:05:02. Student achievement progress goals and targets. For each public school and ~~public~~ school district, the department shall calculate a unique student achievement progress goal that ~~will result~~ results in all students demonstrating proficiency by the ~~2030-2031~~ 2032-2033 school year. ~~In order to~~ To achieve that long-term goal, the department ~~will~~ shall set interim goals at the five-year mark and ten-year mark. The interim goals ~~will~~ must be set so that by the ~~2022-2023~~ 2024-2025 school year, each school and each subgroup of students are performing at the level of the fiftieth percentile school from the ~~2016-2017-2017-2018~~ English language arts and mathematics

state summative assessments, respectively. ~~Further, the~~ The department shall set unique student achievement progress goals for each school and each subgroup to attain the ~~2016-2017~~ 2017-2018 English language arts and math proficiency levels, respectively, of the seventy-fifth percentile school by the ~~2027-2028~~ 2029-2030 school year. Following the ~~2022-2023~~ 2024-2025 school year, the department shall set annual targets using the same methodology referenced in § 24:55:05:03 to reach the proficiency level of the school at the ~~75th~~ seventy-fifth percentile in English language arts and math from the ~~2016-2017~~ 2017-2018 school year. Following the ~~2027-2028~~ 2029-2030 school year, the department shall again set annual targets to reach one hundred percent proficiency.

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1), (2)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, inclusive, 13-3-69, ~~inclusive~~.

24:55:05:03. Calculation of student achievement progress goals and yearly targets. The department shall calculate student achievement progress goals and yearly targets separately for English language arts and mathematics and for each student group in each public school as follows:

(1) Based on state academic assessment scores from the ~~2016-2017~~ 2017-2018 school year, the department shall determine the fiftieth percentile school;

(2) Determine the gain in percent of students achieving proficiency the school ~~will need~~ must have to achieve the same proficiency level as the fiftieth percentile school within five years. This is the school's student achievement progress goal; and

(3) Divide the school's student achievement progress goal calculated in subdivision (2) by five, rounding to the nearest hundredth. This is the school's annual target for increasing the percentage of students at the proficient level at the necessary rate to reach the same level as the fiftieth percentile school within five years.

For schools performing above the fiftieth percentile in the ~~2016-2017~~2017-2018 school year, ~~the department shall set~~ annual targets ~~shall be set~~ to reach the level of the seventy-fifth percentile school by the ~~2022-2023~~2024-2025 school year using the above methodology. For schools performing above the seventy-fifth percentile school in the ~~2016-2017~~2017-2018 school year, ~~the department shall set~~ annual targets ~~shall be set~~ to reach one hundred percent proficiency by the ~~2030-2031~~2032-2033 school year.

~~These~~ ~~The department shall repeat these~~ calculations ~~shall be repeated~~ for each public school for all of its student groups ~~of in~~ § 24:55:01:05, and ~~shall be calculated separately~~ shall make separate calculations for English language arts and mathematics. The minimum student group size of ten, referenced in § 24:55:07:05 applies for reporting purposes.

~~An example of this calculation is illustrated in Appendix A at the end of this chapter.~~

Source: 39 SDR 51, effective October 3, 2012; 40 SDR 40, effective September 11, 2013; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1)(2)(5).

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

24:55:05:04. Graduation rate progress goals and targets. For each public school and ~~public~~ school district, the department shall calculate a unique graduation rate progress goal that ~~will result results~~ in all students meeting the graduation rate by the ~~2030-2031-2032-2033~~ school year. ~~In order to~~ To achieve that long-term goal the department shall set interim goals at the five-year mark and ten-year mark. The interim goals ~~shall~~ must be set so that, by the ~~2022-2023-2024-2025~~ school year, each school and each subgroup of students attains the same graduation rate as the fiftieth percentile school from the ~~2016-2017~~ 2017-2018 school year. ~~Further, the~~ The department shall set unique graduation rate progress goals for each school and each subgroup to attain the ~~2016-2017~~ 2017-2018 school year graduation rates of the seventy-fifth percentile school by the ~~2027-2028~~ 2029-2030 school year. Following the ~~2022-2023-2024-2025~~ school year, the department shall reset goals and targets to reach the performance level of the seventy-fifth percentile school from the ~~2016-2017~~ 2017-2018 school year. Following the ~~2027-2028-2029-2030~~ school year, the department shall again set annual targets to reach one hundred percent of students meeting the graduation rate.

Source: 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, inclusive, 13-3-69, ~~inclusive~~.

24:55:05:05. Calculation of graduation rate progress goals and yearly targets. The department shall calculate graduation rate goals and yearly targets for each student group in each public school as follows:

(1) Based on the graduation rates from the ~~2016-2017~~ 2017-2018 school year, the department shall determine the fiftieth percentile school;

(2) Determine the gain in graduation rate the school ~~will need to~~ must achieve to reach the same graduation rate as the fiftieth percentile school within five years. This is the school's graduation rate progress goal; and

(3) Divide the school's graduation rate progress goal determined in subdivision (2) by five, rounding to the nearest hundredth. This is the school's annual target for increasing the percentage of students meeting the graduation rate at the necessary rate to reach the same level as the fiftieth percentile school within five years.

~~These~~ The department shall repeat these calculations ~~shall be repeated~~ for each public school and for all of its student groups referenced in § 24:55:01:05. The minimum student group size of ten as referenced in § 24:55:07:05 applies for reporting purposes.

For schools performing above the fiftieth percentile in the ~~2016-2017~~ 2017-2018 school year, the department shall set annual targets ~~shall be set~~ to reach the level of the seventy-fifth percentile school by the ~~2022-2023~~ 2024-2025 school year using the above methodology. For schools performing above the seventy-fifth percentile school in the ~~2016-2017~~ 2017-2018 school year, the department shall set annual targets ~~shall be set~~ to reach a one hundred percent graduation rate by the ~~2030-2031~~ 2032-2033 school year.

~~An example of this calculation is illustrated in Appendix B at the end of this chapter.~~

Source: 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1)(5).

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

24:55:05:06. English language proficiency rate progress goals and targets. For each public school and ~~public~~ school district, the department shall calculate a unique English language proficiency goal that ~~will result results~~ in all students meeting English language proficiency rates by the ~~2030-2031-2032-2033~~ school year. ~~In order to~~ To achieve that long-term goal, the department shall set interim goals at the five-year mark and ten-year mark. The interim goals ~~shall~~ must be set so that by the ~~2022-2023-2024-2025~~ school year, each school attains the same English language proficiency rate as the fiftieth percentile school from the ~~2016-2017-2017-2018~~ school year. ~~Further,~~ The department shall set unique English language proficiency goals for each school to attain the English language proficiency rate of the seventy-fifth percentile school from the ~~2016-2017-2017-2018~~ school year by the ~~2027-2028-2029-2030~~ school year. Following the ~~2022-2023-2024-2025~~ school year, the department shall reset goals and targets to reach the performance level of the seventy-fifth percentile school from the ~~2016-2017-2017-2018~~ school year. Following the ~~2027-2028-2029-2030~~ school year, the department shall again set annual targets that ~~will~~ result in all schools meeting the English language proficiency rate.

Source: 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1)(5).

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

24:55:05:07. Calculation of English language proficiency rate progress goals and yearly targets. The department shall calculate English language proficiency rate goals and yearly targets for each public school as follows:

(1) Based on the English language proficiency rate from the ~~2016-2017~~2017-2018 school year, the department shall determine the fiftieth percentile school;

(2) Determine the gain in the English language proficiency rate the school ~~will need to~~ must achieve to reach the same English language proficiency rate as the fiftieth percentile school within five years. This is the school's English language proficiency rate progress goal; and

(3) Divide the school's English language proficiency rate progress goal by five, rounding to the nearest hundredth. This is the school's annual target for increasing the percentage of students meeting the English language proficiency rate at the necessary rate to reach the same level as the fiftieth percentile school within five years.

~~These~~ The department shall repeat these calculations ~~shall be repeated~~ for each public school. The minimum student group size of ten as referenced in § 24:55:07:05 applies for reporting purposes.

For schools performing above the fiftieth percentile in the ~~2016-2017~~2017-2018 school year, the department shall set annual targets ~~shall be set~~ to reach the level of the seventy-fifth percentile school by the ~~2022-2023~~2024-2025 school year using the above methodology. For schools performing above the seventy-fifth percentile school in the ~~2016-2017~~2017-2018 school year, the

department shall set annual targets ~~shall be set~~ to result in one hundred percent of schools meeting the English language proficiency by the ~~2030-2031-2032-2033~~ school year.

An example of this calculation is illustrated in Appendix C at the end of this chapter.

Source: 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69(1)(5).

Law Implemented: SDCL 13-3-62 to 13-3-65, inclusive, 13-3-69, ~~inclusive~~.

DEPARTMENT OF EDUCATION

STUDENT ACHIEVEMENT PROGRESS CALCULATION TABLE

Chapter 24:55:05

APPENDIX A

SEE: § 24:55:05:03

(Repealed)

Source: 39 SDR 51, effective October 2, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017.

Example of Calculation of Student Achievement Progress Goals and Annual Targets—

Mathematics

Student Group	Goal: 2016-17 50th Percentile %-proficient	School's 2016-17 % proficient	Annual Increase to reach 50th Percentile	Year—1 Target	Year—2 Target	Year—3 Target	Year—4 Target	Year—5 Target
All Students	50.00%	40.00%	2.00%	42.00%	44.00%	46.00%	48.00%	50.00%
White	50.00%	7.00%	8.60%	15.60%	24.20%	32.80%	41.40%	50.00%
Gap Group	50.00%	15.00%	7.00%	22.00%	29.00%	36.00%	43.00%	50.00%

DEPARTMENT OF EDUCATION

GRADUATION RATE PROGRESS CALCULATION TABLE

Chapter 24:55:05

APPENDIX B

SEE: § 24:55:05:05

(Repealed)

Source: 44 SDR 95, effective December 6, 2017.

Example of Calculation of Graduation Rate Progress Goals and Annual Targets

Student Group	Goal: 2016-17 50th Percentile Grad. rate	School's 2016-17 Grad. rate	Annual Increase to reach 50th Percentile	Year 1 Target	Year 2 Target	Year 3 Target	Year 4 Target	Year 5 Target
All Students	90.00%	87.05%	0.59%	87.64%	88.23%	88.82%	89.41%	90.00%
Gap Group	90.00%	82.00%	1.60%	83.60%	85.20%	86.80%	88.40%	90.00%
Nongap Group	90.00%	89.50%	0.10%	89.60%	89.70%	89.80%	89.90%	90.00%

DEPARTMENT OF EDUCATION

ENGLISH LANGUAGE PROFICIENCY RATE PROGRESS CALCULATION TABLE

Chapter 24:55:05

APPENDIX C

SEE: § 24:55:05:07

Source: 44 SDR 95, effective December 6, 2017.

Example of Calculation of English Language Proficiency (ELP) Rate Progress

Goals and Annual Targets

School	2016-17 2017-18 50 th Percentile ELP rate	School's 2016-17 2017-18 ELP rate	Annual Increase to reach 50 th Percentile	Year 1 Target	Year 2 Target	Year 3 Target	Year 4 Target	Year 5 Target
Lewis Elementary	50.00%	23.00%	5.40%	28.40%	33.80%	39.20%	44.60%	50.00%
Snyder Elementary	50.00%	45.00%	1.00%	46.00%	47.00%	48.00%	49.00%	50.00%

CHAPTER 24:55:06

REVIEW AND REPORTING REQUIREMENTS

Section

- 24:55:06:01 Department review and reporting.
- 24:55:06:02 School districts must publish accountability results.
- 24:55:06:03 Student privacy rights not affected.
- 24:55:06:04 Periodic evaluation of the gap group composition, Repealed.

24:55:06:02. School districts must publish accountability results. Each school district shall publish and disseminate the accountability system results of each public school in the district,

including the final classifications of public schools in the district pursuant to chapter 24:55:03, to parents, teachers, principals, schools, and the community consistent with the requirements of 20 U.S.C. 6311(h) ~~in effect on~~ effective December 10, 2015.

Source: 39 SDR 51, effective October 3, 2012; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-62, 13-3-65, 13-3-67, 13-3-69, ~~inclusive~~.

24:55:06:04. Periodic evaluation of the gap group composition. ~~The gap group shall be re-evaluated following the 2019-2020 school year, using the most recent three years of state academic assessment data. After the 2019-2020 school year, the gap group shall be re-evaluated on a five-year cycle~~ Repealed.

Source: 44 SDR 95, effective December 6, 2017.

~~**General Authority:** SDCL 13-3-69.~~

~~**Law Implemented:** SDCL 13-3-69.~~

24:55:07:05. Student group size. To ~~conform~~ comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, 34 C.F.R. Part 99 (March 8, 2012), the department shall use a minimum group size of ~~10~~ ten students for each student group of § 24:55:01:05 when publicly reporting accountability results. If a student group has fewer than ~~10~~ ten students, that group's accountability results may not be publicly reported. The department may

not report student group results if all of the students in a group have the same student achievement level as defined in [§subdivision](#) 24:55:01:04(4).

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015.

General Authority: SDCL 13-3-51, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-69.

24:55:07:11. Participation of students who are English learners. A student who is an English learner and in the [student's](#) first year of enrollment in a school in the United States is not required to take the state academic assessment in English language arts, if the student has participated in the annual test of English language proficiency as referenced in 20 U.S.C. 6311 (Dec. 10, 2015). Participation in the annual test of English language proficiency meets the requirement of 95 percent participation referenced in § 24:55:07:02. A student is exempt from only one iteration of the state academic assessment in English language arts.

If a student who is an English learner enrolls for the first time after the testing window for the English language proficiency test has ended, the student counts toward the requirement of 95 percent participation in English language arts referenced in § 24:55:07:02 by completing the English learner eligibility assessment.

A student who is an English learner and in the student's first year enrolled in a school in the United States is required to take the state academic assessments in mathematics [and science](#). The results are not included in the calculation of the student achievement [SPI school performance index](#)

key indicator. However, the student counts toward the requirement of ~~95~~nintey-five percent participation as referenced in § 24:55:07:02.

Source: 39 SDR 51, effective October 3, 2012; 41 SDR 218, effective July 1, 2015; 44 SDR 95, effective December 6, 2017; 44 SDR 192, effective July 2, 2018.

General Authority: SDCL 13-3-51, 13-3-55, 13-3-69.

Law Implemented: SDCL 13-3-51, 13-3-55, 13-3-69.

24:55:07:14. Student drops out completing less than half the academic year. A student who drops out from a public high school, having attended fewer than fifty percent of the school's scheduled days at the student's last school of attendance, shall count for the graduation rate and the ~~completer~~ completion rate at the public school in which the student was enrolled for the majority of the student's time in grades nine through ~~12~~ twelve. A student who drops out, having attended fifty percent or more of the public high school's scheduled days, shall count at the school in which the student was last enrolled.

Source: 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

24:55:08:04. Public school boundaries altered -- Prior academic progress goals and targets recalculated. If a ~~public~~ school district that has two or more attendance centers per grade span changes boundaries ~~such so~~ that at least ~~50~~ fifty percent of the student population of the

attendance center, or students in the grade spans assessed in that attendance center, moved and have been replaced with students from another attendance center within the district:

(1) The academic progress goals and targets of the affected public schools ~~shall~~ must be recalculated using the methodology in § 24:55:05:03 and ~~shall~~ must be applied for the remaining years of the current cycle; and

(2) If one or more of the affected schools has been classified as a comprehensive support and improvement school, the department shall remove the classification ~~shall be removed by the department~~, notwithstanding the provisions of § 24:55:04:06.

Source: 39 SDR 51, effective October 3, 2012; 44 SDR 95, effective December 6, 2017.

General Authority: SDCL 13-3-69.

Law Implemented: SDCL 13-3-69.

CHAPTER 24:55:09

APPEALS

Section

24:55:09:01 Public schools may review data.

24:55:09:02 ~~Public school~~ School district to appeal not later than ~~10~~ ten days after notification.

24:55:09:03 Final determination by department.

24:55:09:02. ~~Public-school~~ School district to appeal not later than ~~10~~ ten days after notification. A ~~public~~ school district on behalf of a public school must submit an appeal form provided by the department and supporting documentation not later than ten business days after the initial public release of the accountability system report card.

Source: 39 SDR 51, effective October 3, 2012.

General Authority: SDCL 13-3-69(10).

Law Implemented: SDCL 13-3-69(10).