

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

749Y0104

## SENATE EDUCATION ENGROSSED NO. **SB 85** - 2/14/2017

Introduced by: Senators Bolin, Monroe, Nelson, Netherton, Stalzer, and Wiik and  
Representatives May, Jensen (Kevin), Latterell, Marty, Peterson (Sue), and  
Rasmussen

1 FOR AN ACT ENTITLED, An Act to provide for the exemption of certain students from the  
2 requirement to take certain academic assessment tests.

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

4 Section 1. That § 13-3-55 be amended to read:

5 13-3-55. Every public school district shall annually administer the same assessment to all  
6 students in grades three to eight, inclusive, and in grade eleven. The assessment shall measure  
7 the academic progress of each student. Every public school district shall annually administer to  
8 all students in at least two grade levels an achievement test to assess writing skills. The  
9 assessment instruments shall be provided by the Department of Education, and the department  
10 shall determine the two grade levels to be tested. The tests shall be administered within  
11 timelines established by the Department of Education by rules promulgated pursuant to chapter  
12 1-26 starting in the spring of the 2002-2003 school year. Each state-designed test shall be  
13 correlated with the state's content standards. The South Dakota Board of Education may  
14 promulgate rules pursuant to chapter 1-26 to provide for administration of all assessments.



1        However, within each school district, a total of no more than five percent of the students  
2 required to be assessed pursuant to this section may be excused from the requirement if the  
3 student's parent or guardian, or, if the student is emancipated, the student submits a request for  
4 an exemption. A request for an exemption shall be on forms provided by the Department of  
5 Education and shall be submitted to the superintendent of the school district within one hundred  
6 eighty days of the start of any school fiscal year. The request for an exemption shall be dated  
7 and signed by the parent or guardian, or the emancipated student, and the request shall be  
8 notarized. A school district shall grant exemptions from the requirement in this section in the  
9 order in which the requests for exemption are received. Once the number of exemptions granted  
10 in a school district in any school year reaches the five percent maximum, no further exemptions  
11 may be granted in that year in that school district. No school district or school district employee  
12 may take any punitive action against a student, including preventing the student from  
13 participating in any extracurricular activity, due to the student's exemption from the testing  
14 requirements established in this section.

15        Section 2. That chapter 13-3 be amended by adding a NEW SECTION to read:

16        A student's results on any assessment administered pursuant to § 13-3-55 may not be  
17 included on the student's grade transcript unless the student's parent or guardian, or, if the  
18 student is emancipated, the student consents.