



2026 South Dakota Legislature

Senate Bill 167

Introduced by: **Senator Nelson**

1 **An Act to amend provisions pertaining to the administration of an academic**
 2 **achievement assessment to students in grade eleven.**

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

4 **Section 1. That § 13-3-55 be AMENDED:**

5 **13-3-55.** ~~Every public~~ Each school district shall annually administer the same
 6 academic achievement assessment to all students in grades three to eight, inclusive, ~~and~~
 7 ~~in grade eleven. The assessment shall measure the academic progress of each student.~~
 8 ~~Every public school district shall annually administer to all students in at least two grade~~
 9 ~~levels an achievement test to assess writing skills. The assessment instruments shall be~~
 10 ~~provided by the Department of Education, and the department shall determine the two~~
 11 ~~grade levels to be tested. The tests shall be administered within timelines established by~~
 12 ~~the Department of Education by rules promulgated pursuant to chapter 1-26 starting in~~
 13 ~~the spring of the 2002-2003 school year. Each state designed test shall be correlated with~~
 14 ~~the state's content standards. The assessments must measure the academic progress of~~
 15 ~~each student and must correspond to the state's content standards promulgated pursuant~~
 16 ~~to § 13-3-48.~~

17 The secretary of the Department of Education shall annually designate at least two
 18 of these grade levels to take the writing skills achievement assessment provided by the
 19 department.

20 A student must take any assessment administered by a school district if the student
 21 is at least partially enrolled in the school district pursuant to § 13-28-51. For purposes of
 22 this section, a student is partially enrolled in a school district if the student is enrolled in
 23 a number of courses through the school district, the time for which, when averaged over
 24 the whole school year, equals at least fifty percent of the number of hours in the school
 25 term, as established by the board of the school district, pursuant to § 13-26-1.

1 The South Dakota Board of Education Standards ~~may~~ shall promulgate rules
2 pursuant to chapter 1-26, to provide for administration of ~~all~~ the assessments and
3 establish the timeline for the administration of the assessments each year.

4 **Section 2. That a NEW SECTION be added to chapter 13-3:**

5 Each school district shall administer an academic achievement assessment to each
6 student in grade eleven.

7 On or before May first of each year, the South Dakota Board of Education Standards
8 shall review and approve a list of academic achievement assessments for students enrolled
9 in grade eleven. The assessments approved by the board must:

10 (1) Measure the academic progress of each student;

11 (2) Correspond to the state's content standards; and

12 (3) Allow for the variety of prospective academic or career pathways that a student
13 may follow upon high school graduation.

14 The Department of Education shall provide to each school district the list of
15 approved assessments.

16 Each student in grade eleven shall, in consultation with the school's guidance
17 counselor or other administrator, select the assessment that the student is to take to meet
18 the requirements of this section, from the list of approved courses provided by the
19 Department of Education.

20 The South Dakota Board of Education Standards shall promulgate rules, pursuant
21 to chapter 1-26, to establish the criteria by which the board determines whether an
22 assessment measures the academic progress of each student and corresponds to the
23 state's content standards, to establish the timeline for the administration of the
24 assessments each year, and to provide for the administration of the assessments.

25 **Section 3. That § 13-3-84 be REPEALED.**

26 ~~If a student is partially enrolled in a school district pursuant to § 13-28-41 or 13-~~
27 ~~28-51, and the student's enrollment is equal to or greater than fifty percent, that student~~
28 ~~is required to take any academic achievement test administered by the school district~~
29 ~~pursuant to § 13-3-55. If a student's partial enrollment in a school district is less than fifty~~
30 ~~percent, the student is not required to take any academic achievement test administered~~
31 ~~by the school district pursuant to § 13-3-55.~~