



## 2020 South Dakota Legislature

# House Bill 1218

Introduced by: **Representative Wiese**

1 **An Act to establish certain requirements for schools regarding parental notice of**  
 2 **and access to certain tests, assessments, evaluations, and observations.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **13-33-31. Student assessments--Notice--Parental access.**

6 Before any standardized test or assessment is administered to students, and before  
 7 any evaluation or observation of students is conducted in any public or nonpublic school,  
 8 the school shall, without delay, provide notice of the test, assessment, evaluation, or  
 9 observation to the parent or guardian of each student to whom the test or assessment  
 10 will be administered or of whom the evaluation or observation will be conducted. The  
 11 school shall include in the notice the date of the administration of the test or assessment,  
 12 or of the conduct of the evaluation or observation.

13 **Section 2.** That a NEW SECTION be added:

14 **13-37-46.1. Student needs--Assessments--Parental access.**

15 If any standardized test or assessment, or any evaluation or observation is  
 16 conducted in any public or nonpublic school for the purpose of determining or evaluating  
 17 a student's need for special education or for any services related to special education, or  
 18 for any accommodations that may be necessary for a student with a disability, the results  
 19 of the test, assessment, evaluation, or observation shall be provided to the student's  
 20 parent or guardian. The results shall be provided to the parent or guardian at least five  
 21 business days before any meeting of the student's individualized education program team  
 22 or at least five business days before the development of any plan for the student under  
 23 section 504 of the Rehabilitation Act of 1973 and under the Individuals with Disabilities  
 24 Education Act of 2004.