

APPENDIX C: State Laws and Administrative Rules Related to Teacher Effectiveness

STATE LAWS

SDCL 13-42-33. Promulgation of rules on performance standards.

The Board of Education shall, no later than July 1, 2011, promulgate rules pursuant to chapter 1-26 to establish minimum professional performance standards for certified teachers in South Dakota public schools, and to establish best practices for the evaluation of the performance of certified teachers that may be used by individual school districts.

SDCL 13-42-34. Teacher evaluations.

Any public school district seeking state accreditation shall evaluate the performance of each certified teacher in years one through three not less than annually, and each certified teacher in the fourth contract year or beyond, not less than every other year.

Each school district shall adopt procedures for evaluating the performance of certified teachers employed by the school district that:

- (1) Are based on the minimum professional performance standards established by the Board of Education pursuant to § 13-42-33;
- (2) Require multiple measures;
- (3) Serve as the basis for programs to increase professional growth and development of certified teachers; and
- (4) Include a plan of assistance for any certified teacher, who is in the fourth or subsequent year of teaching, and whose performance does not meet the school district's performance standards.

SDCL 13-42-35. Work group to develop model evaluation instrument.

A work group appointed by the secretary of education shall provide input in developing the standards and shall develop a model evaluation instrument that may be used by school districts. The work group shall consist of the following:

- (1) Six teachers: two from an elementary school, two from a middle school, and two from a high school;
- (2) Three principals: one from an elementary school, one from a middle school, and one from a high school;
- (3) Two superintendents;
- (4) Two school board members;
- (5) Four parents who have students in various levels of the K-12 system;
- (6) One representative of the South Dakota Education Association;
- (7) One representative of the School Administrators of South Dakota; and
- (8) One representative of the Associated School Boards of South Dakota.

SDCL 13-42-70. Evaluation records and documents not open to inspection or copying.

Any record or document, regardless of physical form, created by a public school, public school district, or any other school in connection with the evaluation of an individual teacher, principal, or other school employee constitutes personnel information and is not open to inspection or copying pursuant to subdivision 1-27-1.5(7).

SDCL 13-3-62. State accountability system established.

A single, statewide state accountability system is established. The system shall hold public schools accountable for the academic achievement of their students and shall ensure that all public schools make yearly progress in continuously and substantially improving the academic achievement of their students.

13-3-69. Promulgation of rules to establish state accountability system.

The South Dakota Board of Education may promulgate administrative rules pursuant to chapter 1-26 to establish the state accountability system based on achievement and other indicators including:

- (1) A definition of academic progress;
- (2) The method of calculating yearly progress in mathematics and reading for all public schools, including methods for determining both the status and growth;
- (3) A definition of four levels of student achievement, including a proficient level;
- (4) Determination of cut scores in mathematics and reading for each level of student achievement;
- (5) Establishment of the measurable objectives for academic progress;
- (6) Establishment of a system of sanctions, rewards, and recognition;
- (7) Establishment of the process for teacher and principal evaluation;
- (8) Determination of the criteria to demonstrate student preparedness for college and career for each public high school;
- (9) Determination of the method for calculating the attendance rate for each public elementary and middle school;
- (10) Establishment of an appeal process for public schools; and
- (11) Establishment of a process whereby the state accountability system will be periodically reviewed.

~~13-42-70. Evaluation records and documents not open to inspection or copying.~~

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13-3-70 to 13-3-72. Repealed by SL 2007, ch 88, §§ 1 to 3.

ADMINISTRATIVE RULES

ARTICLE 24:57

TEACHER PERFORMANCE STANDARDS AND EVALUATION

Chapter

24:57:01 *Definitions*

24:57:02 *Teacher Evaluation Process*

CHAPTER 24:57:01

DEFINITIONS

Section

24:57:01:01 Definitions

24:57:01:01. Definitions. Terms used in this article mean:

- (1) "Danielson framework," the twenty-two components, clustered into domains one through four, inclusive, in The Framework for Teaching Evaluation Instrument (2013 edition) by Charlotte Danielson;
- (2) "Department," the South Dakota Department of Education;
- (3) "Evaluation," a process to assess objectively the performance of a teacher;
- (4) "Professional practice rating," the rating assigned to a teacher using at least one component from each of the four domains of the Danielson framework;
- (5) "State assessments," the academic achievement tests referenced in SDCL 13-3-55 and the science achievement test provided by the Department pursuant to 20 U.S.C. § 6311(b)(1)(C), as amended through December 1, 2013;
- (6) "State minimum evaluation requirements," the model for evaluating teacher performance which, for each teacher:
 - (a) Assigns a professional practice rating;
 - (b) Assigns a student growth rating based on attainment of student learning objectives;
 - (c) Combines the professional practice rating and student growth rating into one summative effectiveness rating;
 - (d) Will be used to guide professional growth; and
 - (e) Provides clear, timely, and useful feedback, including feedback that identifies needs and guides professional development;
- (7) "Student growth," a change in student achievement between two or more points in time;
- (8) "Student growth rating," the rating assigned to a teacher based on student growth;

- (9) "Student learning objectives," target goals of student growth which:
- (a) Reflect a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period;
 - (b) Are written by a teacher and approved by an evaluator; and
 - (c) Include district, school, or teacher-developed assessments and, where applicable, state assessments;
- (10) "Summative effectiveness rating," the combination of a teacher's professional practice rating and student growth rating into one of the following categories: Below Expectations, Meets Expectations, or Exceeds Expectations;
- (11) "Teacher," for purposes of this article, an individual who:
- (a) Provides instruction to any grade, kindergarten through grade twelve, or ungraded class or who teaches in an environment other than a classroom setting;
 - (b) Maintains daily student records;
 - (c) Has completed an approved teacher education program at an accredited institution or completed an alternative certification program;
 - (d) Has been issued a South Dakota certificate; and
 - (e) Is not serving as a principal, assistant principal, superintendent, or assistant superintendent.

Source: 40 SDR 102, effective December 4, 2013; 41 SDR 109, effective January 12, 2015.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

Reference: Charlotte Danielson, **The Framework for Teaching Evaluation Instrument**, published by the Danielson Group, 2013 edition. The materials are available for viewing at the South Dakota Department of Education, 800 Governors Drive, Pierre, South Dakota. Copies may be obtained from www.danielsongroup.org.

CHAPTER 24:57:02

TEACHER EVALUATION PROCESS

Section

- 24:57:02:01 Teacher performance standards
- 24:57:02:02 State minimum evaluation requirements.
- 24:57:02:03 Alternative evaluation model.
- 24:57:02:04 Alternative evaluation application.
- 24:57:02:05 Application timelines.
- 24:57:02:06 Effect of application denial.

24:57:02:01. Teacher performance standards. Beginning in the 2014-15 school year, the minimum professional performance standards to be used as a basis for evaluating teacher performance shall be aligned with the Danielson framework.

Source: 38 SDR 58, effective October 17, 2011; 39 SDR 32, effective September 3, 2012; transferred from § 24:08:06:01, 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33, 13-42-34.

Law Implemented: SDCL 13-3-69(7), 13-42-33, 13-42-34.

24:57:02:02. State minimum evaluation requirements. Beginning in the 2014-2015 school year, each school district must, at a minimum, use all the state minimum evaluation requirements when evaluating teachers in the district.

Source: 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

24:57:02:03. Alternative evaluation model. Notwithstanding § 24:57:02:02, a school district may use a model of professional practice other than the Danielson framework to evaluate its teachers if it proves to the department that this model is aligned with the Danielson framework. A school district may also choose not to use student learning objectives as a measure of student growth if it proves to the department that the district's method of measuring student growth for all teachers in the district reflects a rigorous, yet realistic expectation of student growth that can be achieved during the instructional period and includes district, school, or teacher-developed assessments and, where applicable, state assessments.

Source: 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

24:57:02:04. Alternative evaluation application. If a district chooses to use the options provided in § 24:57:02:03, it must apply on forms provided by the department. The department may require additional documents and information necessary to enable the department to make the determinations referenced in § 24:57:02:03.

Source: 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

24:57:02:05. Application timelines. All materials specified in § 24:57:02:04 must be received by the department by January thirty-first before the school year in which the district intends to implement the alternative evaluation model. By April 1 of that year, the department shall review the application and all documentation and issue a decision on the application. If a district's model is approved by the department, the district must submit any subsequent revisions for review and approval pursuant to this chapter.

Source: 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.

24:57:02:06. Effect of application denial. The department may deny the application if the district fails to submit all materials specified in § 24:57:02:04 by the deadline or if the department determines that the proposed model does not meet the requirements of § 24:57:02:03. If the application is denied, the district shall comply with all state minimum evaluation requirements for the upcoming school year. Nothing in this chapter requires the department to provide a hearing on the district's application.

Source: 40 SDR 102, effective December 4, 2013.

General Authority: SDCL 13-3-69(7), 13-42-33.

Law Implemented: SDCL 13-3-69(7), 13-42-33 to 13-42-35, inclusive.