

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0219

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1033 - 01/19/2007

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to impose sanctions on schools and certified school
2 personnel for compromising the integrity of a state-required academic achievement test.

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

4 Section 1. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If the superintendent of a school district has sufficient evidence that cheating occurred on
7 a state-required academic achievement test, the superintendent of the school district shall
8 investigate the circumstances. For the purposes of this section, cheating is the unauthorized
9 acquiring of knowledge of the achievement test by a student or providing unauthorized access
10 to secure test questions or tampering or altering of student answer sheets by school district
11 personnel.

12 Section 2. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Following the investigation, the superintendent shall report the results of the investigation
15 to the secretary of the Department of Education. Upon receiving the report, the secretary shall



1 determine whether the alleged cheating occurred and, if so, if it was severe enough to affect the
2 results of the achievement test. If the secretary finds that cheating did occur and it was severe
3 enough to affect the achievement test results, the results of the achievement test for that school
4 shall be discarded, and the school will not meet the adequate yearly progress for that school year
5 under the terms of the state's accountability system as established in § 13-3-62. The decision of
6 the secretary regarding adequate yearly progress may be appealed to the South Dakota Board
7 of Education.

8 Section 3. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 The secretary of the Department of Education may suspend or revoke the certificate of any
11 certified personnel who knowingly compromise the integrity of a state-required academic
12 achievement test provided to students pursuant to chapter 13-3.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0222

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1035 - 01/17/2007

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise the required grade levels for assessment of writing
2 skills.

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

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

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 ~~grades five and nine~~ at least two grade levels an achievement test to assess
9 writing skills. The assessment instruments shall be provided by the Department of Education.
10 The tests shall be administered within timelines established by the Department of Education by
11 rules promulgated pursuant to chapter 1-26 starting in the spring of the 2002-2003 school year.
12 Each state-designed test shall be correlated with the state's content standards. The South Dakota
13 Board of Education may promulgate rules pursuant to chapter 1-26 to provide for administration
14 of all assessments.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0230

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1037 - 01/19/2007

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to repeal certain health certification requirements of school
2 employees.

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

4 Section 1. That § 13-43-3 be repealed.

5 ~~—13-43-3. The school board of a public or the governing body of a nonpublic school shall~~
6 ~~require each employee, each student teacher, and each person providing services for pupils~~
7 ~~under contract, who is in regular contact with pupils, to submit, within ten days after first being~~
8 ~~employed, a certification of health signed by a licensed physician, nurse practitioner, certified~~
9 ~~nurse midwife, or physician assistant. No new certificate of health may be required for those~~
10 ~~persons with continuing contracts due to consolidation of districts. The certification shall~~
11 ~~include a statement that there is no evidence of physical condition that would endanger health,~~
12 ~~safety, or welfare of the pupils in the initial examination.~~



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0373

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1077** -
01/22/2007

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to impose a tax on the net revenues of intermediate care
2 facilities for the mentally retarded.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Department," the Department of Revenue and Regulation;

6 (2) "Intermediate care facility for the mentally retarded," a treatment or care center as
7 defined by 1905(d) of the Social Security Act and Code of Federal Regulations 42
8 CFR 435.1009 as of January 1, 2007;

9 (3) "Net revenues," the revenue paid to an intermediate care facility for the mentally
10 retarded for resident care, room, board, and services less contractual adjustments and
11 does not include revenue from sources other than operations, including interest and
12 guest meals.

13 Section 2. There is hereby imposed a tax of five and one-half percent on the net revenues
14 of each intermediate care facility for the mentally retarded.



1 Section 3. The department shall collect and administer the tax imposed by this Act.

2 Section 4. The returns and remittances may be required at a time determined by the secretary
3 of revenue and regulation. The provisions of chapter 10-59 are applicable to the tax imposed by
4 this chapter.

5 Section 5. The secretary of revenue and regulation may promulgate rules pursuant to chapter
6 1-26 concerning:

- 7 (1) Licensing, including bonding and filing license applications;
- 8 (2) The filing of returns and payment of the tax;
- 9 (3) Taxpayer record-keeping requirements; and
- 10 (4) Determining auditing methods.

11 Section 6. Any person who:

- 12 (1) Makes any false or fraudulent return in attempting to defeat or evade the tax imposed
13 by this Act is guilty of a Class 6 felony;
- 14 (2) Fails to pay tax due under this Act within sixty days from the date the tax becomes
15 due is guilty of a Class 1 misdemeanor;
- 16 (3) Fails to keep the records and books required by this Act or refuses to exhibit these
17 records to the secretary of revenue and regulation or the secretary's agents for the
18 purpose of examination is guilty of a Class 1 misdemeanor;
- 19 (4) Fails to file a return required by this Act within sixty days from the date the return
20 is due is guilty of a Class 1 misdemeanor;
- 21 (5) Willfully violates any rule of the secretary of revenue and regulation for the
22 administration and enforcement of the provisions of this Act is guilty of a Class 1
23 misdemeanor; or
- 24 (6) Violates either subdivision (2) or subdivision (4) two or more times in any twelve-

1 month period is guilty of a Class 6 felony.

2 Section 7. Each person subject to tax under this Act shall keep records and books of all
3 receipts, together with invoices, and other pertinent papers and documents. The books and
4 records and other papers and documents are, at all times during business hours of the day,
5 subject to inspection by the secretary of revenue and regulation or the secretary's agents and
6 employees to determine the amount of tax due. The books and records shall be preserved for a
7 period of three years unless the secretary of revenue and regulation, in writing, authorized their
8 destruction or disposal at an earlier date.

9 Section 8. Taxes collected under this Act shall be remitted to the state treasurer for credit
10 to the state general fund to be used to help offset the cost of health care services provided to the
11 citizens by the State of South Dakota.

12 Section 9. The tax implemented under section 2 of this Act is not due and payable until the
13 Department of Social Services receives an approved medicaid state plan amendment from the
14 Centers for Medicare and Medicaid Services.