

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

893Z0799

## HOUSE BILL NO. 1194

Introduced by: Representatives Frye-Mueller, Campbell, Dennert, DiSanto, Marty, May, and Pischke and Senators Russell, Jensen (Phil), Nelson, and Tapio

1 FOR AN ACT ENTITLED, An Act to allow certain students to be excused from participating  
2 in certain assessments, examinations, and tests.

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

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

5 Notwithstanding the provisions of any other law or administrative rule, a parent or guardian  
6 of a student enrolled in a public school may refuse to allow the student to participate in any  
7 assessment, examination, or test that is not administered solely for the use of an individual  
8 classroom teacher.

9 The assessments, examinations, and tests from which a student may be excused pursuant to  
10 this section include the following:

- 11 (1) Any statewide assessments required pursuant to § 13-3-55;
- 12 (2) Any benchmark examination;
- 13 (3) Any pre-assessment or post-assessment connected to student learning objectives or  
14 any assessment mandated by the Governor's office;
- 15 (4) Any milestone testing;



- 1       (5)   Any progress-monitoring or response-to-intervention assessment;
- 2       (6)   Any online assessment system or adaptive testing done in a computer laboratory;
- 3       (7)   Any exam used to formulate an evaluation or score for a student's teacher or school;
- 4            or
- 5       (8)   Any survey, electronic or paper, that is not designed by the student's teacher for use
- 6            in classroom instruction.