SOUTH DAKOTA BOARD OF REGENTS

Full Board

AGENDA ITEM: 4

DATE: December 12-13, 2012

SUBJECT: Public Hearing to Adopt Changes to South Dakota Opportunity Scholarship Rules

When it created the South Dakota Opportunity Scholarship Program, the South Dakota Legislature directed the Board to administer the program, SDCL § 13-55-30, and to promulgate rules for the program, SDCL § 13-55-36. During the 2010 Legislative session, a number of amendments to the statute that governs the Opportunity Scholarship established the need to modify the administrative rules (see Attachment I) for administering the program. When the Board takes up this item, it will be conducting a formal rules hearing subject to the South Dakota Administrative Procedures Act, DCL ch 1-26. Notice of this rules hearing was published on November 20, 2012, and the draft rules were distributed as required under statute.

At the time that this item was being prepared, no formal comments on the proposed rules had reached the Board office. Board members may expect that commentators who appear before it will frame their remarks with reference to the rules set forth on the attachment, since that is the document in circulation.

RECOMMENDED ACTION OF THE EXECUTIVE DIRECTOR

Adopt the draft South Dakota Opportunity Scholarship Program Rules presented in the attachment to this item, subject to such additional changes in matters of style and form as the Legislative Research Council may hereafter require; direct the Executive Director to forward the rules to the Interim Rules Review Committee of the South Dakota Legislature and to take such additional actions as are necessary and proper to secure their final approval in substantially the form here approved; and authorize the Executive Director to contract with eligible institutions who wish to participate in the Scholarship Program.
## CHAPTER 24:40:13

**SOUTH DAKOTA OPPORTUNITY SCHOLARSHIP PROGRAM**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24:40:13:02</td>
<td>Initial eligibility requirements.</td>
</tr>
<tr>
<td>24:40:13:03</td>
<td>Loss of eligibility due to attendance outside South Dakota.</td>
</tr>
<tr>
<td>24:40:13:04</td>
<td>Exceptions to attendance restrictions.</td>
</tr>
<tr>
<td>24:40:13:05</td>
<td>Credit hour threshold requirements for continuing eligibility.</td>
</tr>
<tr>
<td>24:40:13:07</td>
<td>Grade point requirements for continuing eligibility.</td>
</tr>
<tr>
<td>24:40:13:08</td>
<td>Payment of benefits to students participating in the scholarship program.</td>
</tr>
<tr>
<td>24:40:13:09</td>
<td>Reinstatement of eligibility lost due to failure to maintain grade point average.</td>
</tr>
<tr>
<td>24:40:13:10</td>
<td>Treatment of special enrollments for purposes of eligibility: extra heavy loads, summer sessions, interim sessions, repeated courses, asynchronous distance education courses.</td>
</tr>
<tr>
<td>24:40:13:12</td>
<td>Transfer among participating institutions.</td>
</tr>
<tr>
<td>24:40:13:14</td>
<td>Application for admission to the scholarship program or for transfer between participating institutions.</td>
</tr>
<tr>
<td>24:40:13:15</td>
<td>Tentative acceptance into the scholarship program and tentative approval of continued eligibility for transfer students.</td>
</tr>
<tr>
<td>24:40:13:16</td>
<td>Agreement to conditions of the scholarship program.</td>
</tr>
</tbody>
</table>
Grievance procedures.
Institutional agreements.
Duties of the executive director.
Allocation of scholarship funds.
24:40:13:02. Initial eligibility requirements. In order to be eligible to receive a South Dakota Opportunity Scholarship, a student must:

(1) Be graduated from high school with a cumulative average grade of "B" (3.0 on a 4.0 scale), or greater, for all work attempted and completed as designated on the official high school transcript at the time of graduation;

(2) Be a resident of South Dakota at the time of graduation from high school;

(3) Take the test administered by the American College Testing Program (ACT) or the Scholastic Assessment Test (SAT) examination while in high school or the summer following graduation from high school and before postsecondary enrollment;

(4) Receive a composite score on the ACT of at least 24 or an equivalent score on the SAT as determined by the Board of Regents;

(5) Complete the required number of high school courses specified in § 13-55-31.1, in the following subjects effective for 2004-2009 high school graduates:

(a) Four units of English: courses with major emphasis upon grammar, composition, or literary analysis. One year of debate instruction may be included to meet this requirement;

(b) Four units of algebra or higher mathematics: algebra, geometry, trigonometry, or other advanced mathematics, including accelerated or honors mathematics (algebra) provided at the 8th grade level. Arithmetic, business, consumer or general mathematics, or other similar courses, are not included;
(c) Four units of science, including three units of approved laboratory science: courses in biology, chemistry, or physics in which at least one regular laboratory period is scheduled each week. Accelerated or honors science (biology, physics, or chemistry) provided in the 8th grade are accepted. Qualifying physical science or earth science courses (with lab) may be accepted on a case-by-case basis;

(d) Three units of social studies: history, economics, sociology, geography, United States or South Dakota government, American Problems, and similar courses;

(e) Two units of a modern or classical language, including American Sign Language. The two units must be in the same language;

(f) One unit of fine arts: effective for the fall 2005 semester for students graduating from South Dakota high schools, one unit in art, theatre, or music. Such credit may be in appreciation, analysis, or performance. Through the fall 2004 semester for students graduating from South Dakota high schools, one half unit of art, theatre, or music is required. Such credit may be in appreciation, analysis, or performance;

(g) One half unit of computer science: students must have basic keyboarding skills, experience in using computer word processing, database, and spreadsheet packages, and experience in using the Internet or other wide area networks.

No course in which a student received a final grade below a "C" (2.0 on a 4.0 scale) may be counted for purposes of this subdivision. If a student who receives disqualifying grades in courses required under this subdivision retakes those courses while in high school, the student may still qualify for eligibility if the student has the required number of courses with grades of C or above in each subcategory;
(6) Meet the high school course requirements for graduation from the distinguished high school program (§ 24:43:11:05) effective for the persons graduated from high school in 2010 or thereafter high school graduates; Meet testing requirements as provided in this subdivision. Effective for those students entering into postsecondary education for the first time on or after August 2014, the curriculum requirements specified in subdivision (5) are not required for any student who has received a composite score on the ACT of at least 28 and meets the ACT college readiness benchmarks scores equaling or exceeding 18 for English, 21 for Reading, 22 for Math, and 24 for Science;

(7) Attend a participating institution; and

(8) Enter into the scholarship program within five years of the date of graduation from high school. A student who entered active military duty immediately after the date of graduation from high school may qualify for the scholarship if the student's release from military service occurs within five years from the student's graduation and the student enters the scholarship program within one year of the student's release from active military duty.

Source: 30 SDR 211, effective July 7, 2004; 35 SDR 187, effective February 12, 2009.

General Authority: SDCL 13-55-36.

24:40:13:12. **Transfer among participating institutions.** A student may transfer among participating institutions without losing eligibility if the student makes timely application to transfer before September 20 for the fall semester or by January 15 for the spring semester. The student must also document continued compliance with course load, persistence, and grade point, and proficiency examination requirements.

**Source:** 30 SDR 211, effective July 7, 2004; 35 SDR 187, effective February 12, 2009.

**General Authority:** SDCL 13-55-36.

**Law Implemented:** SDCL 13-55-34.
24:40:13:20. Allocation of scholarship funds. After initial or continuing eligibility requirements are established by the Board of Regents for each recipient, the scholarship funds will be distributed in accordance with § 13-55-33. The Board of Regents may allocate two thousand dollars during the seventh semester of enrollment if recipients demonstrate they will meet the credit hour and degree requirements necessary to graduate with a bachelor’s degree from a participating institution upon completing the seventh semester.

Source: 30 SDR 211, effective July 7, 2004; 35 SDR 187, effective February 12, 2009.

General Authority: SDCL 13-55-36.

Law Implemented: SDCL 13-55-31