STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-31

Whereas, An outbreak of the severe acute respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, has been declared a public health emergency and pandemic by the World Health Organization and the Centers for Disease Control and Prevention (CDC); and,

Whereas, The President of the United States of America declared that the COVID-19 outbreak constitutes a national emergency; and,

Whereas, A State of Emergency was declared by Executive Order 2020-04 to exist in all counties in the State of South Dakota on March 13, 2020 and was extended by Executive Orders 2020-15 and 2020-26; and,

Whereas, The CDC has issued guidance recommending preparedness, response, and mitigation to prevent the spread of and guard against COVID-19, which guidance affects and limits testing sites available for the American College Testing, known as the "ACT," or the Scholastic Aptitude Test, known as the "SAT"; and,

Whereas, The South Dakota Opportunity Scholarship program allows South Dakota's most academically accomplished high school graduates to receive an affordable education at any accredited university, college, or technical school that provides instruction from a campus located in South Dakota; and,

Whereas, Initial eligibility for the South Dakota Opportunity Scholarship requires an ACT or an SAT score; and,

Whereas, Because of mitigating responses taken by testing sites to prevent the spread of COVID-19, students have limited ACT or SAT testing opportunities, thereby eliminating students' ability to qualify for the scholarship through no fault of the students; and,

Whereas, Strict compliance with the statutory and regulatory provisions specifically requiring an ACT or SAT test score prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, South Dakota's most academically accomplished high school graduates should receive opportunities to qualify for the South Dakota Opportunity Scholarship by means of equivalent testing to the ACT or SAT:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby order and direct the following:

Section 1 Opportunity Scholarship Initial Eligibility. I temporarily suspend the regulatory provisions of SDCL 13-55-31(2), 13-55-31.2, 13-55-31.3(2), and ARSD 24:40:13:02(3) and (4) to

allow a student to seek initial eligibility for a South Dakota Opportunity Scholarship either by receiving a minimum composite ACT score or superscore pursuant to the provisions of SDCL 13-55-31(2), 13-55-31.2, or 13-55-31.3(2), or by receiving a SmarterBalanced assessment score in accordance with Section 2 of this Order so long as the SmarterBalanced assessment is taken before beginning postsecondary education.

Section 2 SmarterBalanced Assessment Equivalency Scores.

For a student seeking initial eligibility for a South Dakota Opportunity Scholarship pursuant to SDCL 13-55-31(2) or SDCL 13-55-31.3(2) and using a SmarterBalanced assessment score, that student must have scored in one of the following combinations:

- English Language Arts Level 2, Math Level 4;
- English Language Arts Level 3, Math Level 4;
- English Language Arts Level 4, Math Level 3; or
- English Language Arts Level 4, Math Level 4.

For a student seeking initial eligibility for a South Dakota Opportunity Scholarship pursuant to SDCL 13-55-31.2 and using a SmarterBalanced assessment score, that student must have scored as follows:

- English Language Arts Level 4, Math Level 4.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue until expiration on December 30, 2020, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 21st day of August, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State