1. In response to the COVID-19 crisis, many PK-12 school systems and higher education institutions have initiated temporary grading policies that complicate applying statutory provisions related to the South Dakota Opportunity Scholarship (SDOS). This temporary policy guidance supplements SDCL § 13-55-30 through SDCL § 13-55-36 and related Administrative Rules relevant to initial and ongoing eligibility for the SDOS.

2. **Current Recipients – GPA and Credit Hour Threshold Continuing Eligibility Requirements:**
   Prior to the start of the Fall 2020 semester, any current recipient that is identified by a participating institution as falling short of the minimum GPA and/or Credit Threshold continuing eligibility requirements will automatically receive a one-time exemption in the form of a persistence waiver for Fall 2020.

   a. Students will not need to submit a formal exemption request to the South Dakota Board of Regents (SDBOR) central office regarding any minimum GPA or credit threshold requirements for Fall 2020; institutions participating in the SDOS program will have the one-time authority to grant the persistence waivers directly to students.

   b. Participating SDOS Institutions shall provide a report to the SDBOR central office detailing which students received these exemption waivers. SDBOR staff shall provide a reporting template to institutional financial aid offices.

   c. The persistence waiver will place a student’s SDOS funding on hold for the Fall 2020 semester. This will allow additional time for the recipient to raise their cumulative GPA and/or credits to the program minimums.

   d. Any student receiving this waiver will not receive SDOS funding for Fall 2020; however, the waiver ensures that the student does not lose SDOS funding as the funding is deferred to the Spring 2021 semester at which time continuing eligibility requirements will be assessed again (see following page for example). If students meet all requirements, their SDOS funding will resume.
EXAMPLE:
Traditional Funding Plan for Freshmen Student – Postsecondary Enrollment Beginning Fall 2019

<table>
<thead>
<tr>
<th>Semester</th>
<th>Fall 2019</th>
<th>Spring 2020</th>
<th>Fall 2020</th>
<th>Spring 2021</th>
<th>Fall 2021</th>
<th>Spring 2022</th>
<th>Fall 2022</th>
<th>Spring 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Semester</td>
<td>Awarded</td>
<td>Awarded</td>
<td>Pending</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>2nd Semester</td>
<td>Funds</td>
<td>Funds</td>
<td>Eligibility Assessment</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>3rd Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
<tr>
<td>4th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
<tr>
<td>5th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
<tr>
<td>6th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
<tr>
<td>7th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
<tr>
<td>8th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
<td></td>
</tr>
</tbody>
</table>

*Students who plan to graduate at the end of their 7th semester of funding, may request their 7th & 8th SDOS funding payments to be paid together in the 7th semester.

NEW Revised Funding Plan for Freshmen Student with Exemption – Postsecondary Enrollment Beginning Fall 2019

<table>
<thead>
<tr>
<th>Semester</th>
<th>Fall 2019</th>
<th>Spring 2020</th>
<th>Fall 2020</th>
<th>Spring 2021</th>
<th>Fall 2021</th>
<th>Spring 2022</th>
<th>Fall 2022</th>
<th>Spring 2023</th>
<th>Fall 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Semester</td>
<td>Awarded</td>
<td>Awarded</td>
<td>Deferment</td>
<td>Deferment</td>
<td>3rd</td>
<td>3rd</td>
<td>3rd</td>
<td>3rd</td>
<td>3rd</td>
</tr>
<tr>
<td>2nd Semester</td>
<td>Funds</td>
<td>Funds</td>
<td>Exemption</td>
<td>Exemption</td>
<td>Semester</td>
<td>Semester</td>
<td>Semester</td>
<td>Semester</td>
<td>Semester</td>
</tr>
<tr>
<td>3rd Semester</td>
<td>$650</td>
<td>$650</td>
<td>$0</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>4th Semester</td>
<td>$650</td>
<td>$650</td>
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<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>5th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$0</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>6th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$0</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>7th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$0</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>8th Semester</td>
<td>$650</td>
<td>$650</td>
<td>$0</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$650</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
</tbody>
</table>

*Students who plan to graduate at the end of their 7th semester of funding, may request their 7th & 8th SDOS funding payments to be paid together in the 7th semester.

e. A student falling short of the minimum cumulative GPA requirement for Fall 2020 shall not have that semester count towards the total number of semesters a student may fall below the minimum requirements before they become permanently ineligible for the SDOS under SDCL § 13-55-34 and ARSD § 24:40:13:09.

f. Any SDOS recipient who does meet the continuing eligibility requirements and does not require a one-time exemption as described above at the start of the Fall 2020 semester will continue to receive their SDOS funding as usual.

3. **Current Recipients – Continuous Enrollment Requirement:** Any SDOS recipient who fails to meet the continuous enrollment requirement for Fall 2020 and any subsequent semesters, will be still be required to submit a formal exemption request to the SDBOR central office.

4. **Current Recipients – Institutional Transfer Form:** A new institutional transfer application form has been posted to the SDOS website which no longer requires the signatures of authorized institution representatives from which the student is transferring from. If a student has already filled out the older version of the application, they may submit it to the new institution they plan to attend without the signatures of the former institutional representatives.
5. **New Applicants – Establishing Initial Eligibility (High School Curriculum Requirements) – No Letter Grade Below “C” Requirement:** For courses taken during the Spring 2020 and/or Summer 2020 term, high school students may use a passing grade in satisfactory/unsatisfactory, pass/fail, or equivalent grading scales for courses needed to establish initial eligibility for the SDOS program. This applies only to grades received during the Spring and Summer 2020 terms.

6. **New Applicants – Establishing Initial Eligibility (High School Curriculum Requirements) – Minimum Cumulative GPA of 3.0 Requirement:** A passing grade earned via satisfactory/unsatisfactory, pass/fail, or equivalent grading scales will not calculate into high school students’ cumulative GPAs for courses taken during the Spring 2020 and/or Summer 2020 terms. Therefore, these grades will neither count towards or against cumulative GPA in establishing initial eligibility for the SDOS program.

7. **New Applicants – Establishing Initial Eligibility – ACT Superscore:** During the 2020 Legislative Session, Senate Bill 167 allowed the use of either an ACT Composite or Superscore when establishing initial eligibility for the SDOS program. The change officially goes into effect on July 1, 2020; however, the intent of the change is that the superscore must be an official superscore reported by ACT (i.e., it must be listed on an official Score Report from ACT; campuses will not be allowed to manually calculate a superscore for purposes of the SDOS program). Since ACT is not implementing superscoring options for students until September 2020, establishing initial eligibility in the SDOS program with a superscore will not be allowed for the Fall 2020 semester unless an applicant is able to provide an updated ACT Score Report which includes an official ACT superscore. The Initial Eligibility Application Form must be submitted on time (see Section 9 regarding update to the Fall 2020 application due date), and the updated ACT Score Report must be received by the institution before the Fall 2020 semester ends in order for the applicant to be eligible to receive that semester’s funds.

8. **New Applicants – Establishing Initial Eligibility – ACT/SAT Score Requirement:** The Governor has issued Executive Order 2020-31 which allows students an alternative to the ACT/SAT score requirement to establish initial eligibility for the South Dakota Opportunity Scholarship utilizing SmarterBalanced assessment scores.

   **Minimum ACT Composite/Superscore of 24:** For a student seeking initial eligibility for the 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.
Minimum ACT Composite/Superscore of 28: For a student seeking initial eligibility for the South Dakota Opportunity Scholarship pursuant to SDCL § 13-55-31.2 and using a SmarterBalanced assessment score, that student must have scored in one of the following combinations:

- English Language Arts Level 4, Math Level 4.

SmarterBalanced scores that are listed on a student’s official high school transcript are considered an official report of those scores. Any student who does not have their scores on their official transcript should contact the guidance counselor or principal at the school district they graduated high school from to obtain a copy their SmarterBalanced score report.

9. **New Applicants – Initial Eligibility Application Form – Due Date for Fall 2020 Semester:** The due date for submitting an initial eligibility application form to establish initial eligibility for the South Dakota Opportunity Scholarship (ARSD § 24:40:13:14(1)(c)) for Fall 2020 has been extended to September 21.

10. **New Applicants – Initial Eligibility Application Form – High School Personnel / Counselor Signature:** A new initial eligibility application form has been posted to the SDOS website which no longer requires the signature of an authorized high school representative. If a student has already filled out the older version of the application, they may submit it to the institution they plan to attend without the signature of an authorized high school representative.
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