

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

398Y0497

HOUSE BILL NO. 1122

Introduced by: Representatives Peterson (Sue), Brunner, Dennert, Haggar, Howard, and Jamison and Senators Klumb, Cronin, Jensen (Phil), Monroe, and Stalzer

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions regarding the process to be
2 excused from public school attendance.

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

4 Section 1. That § 13-27-2 be amended to read:

5 13-27-2. Upon filing of ~~an application~~ a notification with a school official from the parent
6 or guardian of the child for the reasons set forth in § 13-27-3, the child shall be excused, without
7 the necessity of school board action, subject to revocation thereafter as provided in this chapter.
8 ~~School boards~~ A school board of ~~an~~ any school ~~districts~~ district may excuse a child from public
9 school attendance for the reasons set forth in §§ 13-27-6 and 13-27-6.1.

10 Section 2. That § 13-27-3 be amended to read:

11 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because
12 the child is otherwise provided with alternative instruction for an equivalent period of time, as
13 in the public schools, in the basic skills of language arts and mathematics. The parent or
14 guardian of the child shall identify in the ~~application~~ notification the place where the child will
15 be instructed and any ~~individual~~ person who will instruct the child. The ~~individual~~ person is not



1 required to be certified. The secretary of the Department of Education may investigate and
2 determine whether the instruction is being provided. Failure to provide instruction is grounds
3 for the school board, upon thirty days' notice, to revoke the excuse from school attendance. The
4 secretary of the Department of Education may inspect the records of an alternative education
5 program with fourteen days' written notice if the secretary has probable cause to believe the
6 program is not in compliance with this section. The records to be inspected are limited to
7 attendance and evidence showing academic progress.

8 No ~~individual~~ person may instruct more than twenty-two children. All instructions shall be
9 given so as to lead to a mastery of the English language. ~~Children~~ Each child receiving
10 alternative instruction who ~~are~~ is in grades four, eight, ~~and or~~ or eleven shall take a nationally
11 standardized achievement test of the basic skills. The test may be the test provided by the state
12 and used in the public school district where the child is instructed or another nationally
13 standardized achievement test chosen by and provided at the expense of the child's parent,
14 guardian, or school giving alternative instruction. The test may be monitored by the local school
15 district where the child is instructed.

16 Section 3. That § 13-27-7 be amended to read:

17 13-27-7. ~~All applications~~ Each notification for excuse from school attendance for the
18 reasons provided in § 13-27-3 shall be on a standard form acknowledged before a notary or two
19 witnesses. The form shall be provided by the secretary of the Department of Education. A
20 certificate of excuse shall be included as part of the ~~application~~ notification and is effective upon
21 the filing of the ~~application~~ notification with a school official, without the necessity of school
22 board action, subject to revocation thereafter as provided in this chapter. The certificate of
23 excuse shall be for a period not to exceed one year and shall state the reason for the excuse is
24 that the child will receive alternative instruction. Upon a showing by the secretary of the

1 Department of Education that a child excused from school attendance pursuant to § 13-27-3 is
2 not being instructed in compliance with § 13-27-3, the school board may immediately revoke
3 the child's certificate of excuse.

4 ~~All~~ Any test ~~scores~~ score required by § 13-27-3 shall be kept on file in the public school of
5 the district where the child has school residence as defined in § 13-28-9. If subsequent
6 achievement test results reveal less than satisfactory academic progress in the child's level of
7 achievement, the school board may refuse to renew the child's certificate of excuse.