

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0650

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1234 - 02/07/2006

Introduced by: The Committee on Education at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to require all children to attend kindergarten and to
2 establish a minimum length of time for kindergarten programs.

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

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

5 13-27-1. Every person having control of a child, who is ~~six~~ not younger than five or older
6 than six years old by the first day of September and who has not exceeded the age of sixteen,
7 shall cause the child to regularly ~~and annually~~ attend some public or nonpublic school for the
8 entire term during which the public school in the district in which the person resides, or the
9 school to which the child is assigned to attend, is in session, until the child reaches the age of
10 sixteen years, unless excused as provided in this chapter.

11 ~~— Any child under age six enrolled in any elementary school or kindergarten program is~~
12 ~~subject to the compulsory attendance statutes of this state. A waiver of the compulsory~~
13 ~~attendance requirement for children under the age of seven years of age shall be granted by the~~
14 ~~school district upon the request of the parents. All children shall attend kindergarten prior to age~~
15 ~~seven. Any child who transfers from another state may proceed in a continuous educational~~



1 program without interruption if the child has not previously attended kindergarten.

2 Section 2. That § 13-26-1 be amended to read as follows:

3 13-26-1. The school fiscal year shall begin July first and end June thirtieth. Each local
4 school board shall set the number of days in a school term, the length of a school day, and the
5 number of school days in a school week. The local school board or governing body shall
6 establish the number of hours in the school term for kindergarten programs, which may not be
7 less than four hundred thirty-seven and one-half hours. The Board of Education shall
8 promulgate rules pursuant to chapter 1-26 setting the minimum number of hours in the school
9 term for grades one through three. The number of hours in the school term for grades four
10 through twelve may not be less than nine hundred sixty-two and one-half hours, exclusive of
11 intermissions. An intermission is the time when pupils are at recess or lunch.

12 Section 3. That § 13-28-2 be amended to read as follows:

13 13-28-2. Any child who is five years old on the first day of September is eligible for
14 enrollment in kindergarten during that school year. ~~Any child who is six years old by September~~
15 ~~first is eligible for enrollment in first grade during that school year.~~ Any child in a kindergarten
16 or prekindergarten program who was in compliance with the statutory eligibility dates in effect
17 at the time of his enrollment may proceed in a continuous educational program without
18 interruption. Any child who transfers from another state may proceed in a continuous
19 educational program without interruption.

20 Any child under the age of five is eligible for admittance to a nursery school.