

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

893N0703

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1266** - 02/08/2007

Introduced by: Representatives Brunner, Buckingham, DeVries, Hackl, Heineman, Howie, Hunt, Novstrup (Al), and Novstrup (David) and Senators Napoli and Lintz

1 FOR AN ACT ENTITLED, An Act to allow a home school student to partially enroll in the  
2 student's resident school district or in another school district under certain circumstances and  
3 to clarify certain testing requirements for students who are partially enrolled.

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

5 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The resident school district of a child excused from school attendance pursuant to § 13-27-2  
8 shall admit that child to a public school in the district upon request from the child's parent or  
9 legal guardian. However, this requirement may be waived if the school district files an  
10 application with the secretary of education stating the reasons why the child cannot be enrolled,  
11 and the waiver is granted. A child enrolled in a school district pursuant to this section may be  
12 enrolled in a school of the school district on only a partial basis and shall continue to also  
13 receive alternative instruction pursuant to § 13-27-3.

14 The secretary of education shall promulgate rules pursuant to chapter 1-26 to establish the  
15 waiver application process and the standards for granting waivers.



1 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 For purposes of state aid to education, a student enrolled pursuant to this Act shall be  
4 counted in a school's average daily membership as defined in subdivision 13-13-10.1(1) in a  
5 proportion equal to the share of the student's enrollment in the school.

6 Section 3. That § 13-28-41 be amended to read as follows:

7 13-28-41. A school district shall grant a request for a transfer into the district or within the  
8 district unless the transfer would result in an inability to provide a quality educational program  
9 based on criteria established by the district pursuant to § 13-28-44.

10 In addition, a school district may grant a request to admit into the district a child who is a  
11 resident of another school district and who is excused from attending school in the resident  
12 district pursuant to § 13-27-2. Any such admittance, however, may only include enrollment in  
13 the new district on a partial basis, and the child shall also receive alternative instruction pursuant  
14 to § 13-27-3.

15 Section 4. If a student is partially enrolled in a school district pursuant to this Act, and the  
16 student's enrollment is equal to or greater than fifty percent, that student is required to take any  
17 academic achievement test administered by the school district pursuant to § 13-3-55. If a  
18 student's partial enrollment in a school district is less than fifty percent, the student is not  
19 required to take any academic achievement test administered by the school district pursuant to  
20 § 13-3-55.