

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

893N0703

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1266 - 02/22/2007

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. A child enrolled in a school district pursuant to this section may be enrolled in
10 a school of the school district on only a partial basis and shall continue to also receive
11 alternative instruction pursuant to § 13-27-3.

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

14 For purposes of state aid to education, a student enrolled pursuant to this Act shall be
15 counted in a school's average daily membership as defined in subdivision 13-13-10.1(1) in a



1 proportion equal to the share of the student's enrollment in the school.

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

3 13-28-41. A school district shall grant a request for a transfer into the district or within the
4 district unless the transfer would result in an inability to provide a quality educational program
5 based on criteria established by the district pursuant to § 13-28-44.

6 In addition, a school district shall grant a request to admit into the district a child who is a
7 resident of another school district and who is excused from attending school in the resident
8 district pursuant to § 13-27-2, unless admitting the nonresident child would result in an inability
9 to provide a quality educational program based on criteria established by the district pursuant
10 to § 13-28-44.

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