

Committee: House Education

Monday, February 05, 2024 7:45 AM

Roll Call

Present: Rep. DeGroot, Rep. Heermann, Rep. Reisch, Rep. Callies, Rep. Arlint,  
Rep. Sauder, Rep. Moore, Rep. Mulder, Rep. Emery, Rep. Odenbach,  
Rep. Soye, Rep. Tordsen, Rep. Deutsch, and Rep. Stevens  
Excused: Rep. Jensen (Phil)

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Deutsch**

**MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 02<sup>ND</sup>**

Moved by: Stevens  
Second by: Arlint  
Action: Prevailed by voice vote

**HB 1197 : require the publication of measures taken to restrict the access of obscene materials by minors.**

Presented by: Representative Mike Stevens (Handout(s) 1)  
Proponents: Dr. Joseph Graves, Department of Education  
Rob L Monson, School Administrators of South Dakota, Pierre (Handout(s) 2)  
Sandra Marie Waltman, South Dakota Education Association, Pierre  
Amy Bruner, Self, Sioux Falls  
Michele Klimek, Self, Sioux Falls  
Diana Page, Self, Brookings (Handout(s) 3)  
Jeff Struwe, Self, Brookings  
Opponents: Ben Sherman, Self, Rapid City

**MOTION: DO PASS HB 1197**

Moved by: Mulder  
Second by: Heermann  
Action: Prevailed by Majority Members Elect (14-0-1-0)

Voting Yes: DeGroot, Heermann, Reisch, Callies, Arlint, Sauder, Moore, Mulder, Emery,  
Odenbach, Soye, Tordsen, Deutsch, and Stevens

Excused: Jensen (Phil)

**HB 1250 : provide for the creation and use of South Dakota educational empowerment accounts.**

Presented by: Representative John Sjaarda  
Proponents: Anthony Mirzayants, Young Americans for Liberty, Austin, TX  
Jennifer Beving, Self, Sturgis  
Samantha Stobbe, Self, Sioux Falls  
Norman Woods, SD Family Voice Action, Rapid City  
Noel Molnar, Self, Rapid City  
Erin Szabo, Self, Sioux Falls

Annie Dostal, Self, Gregory  
 Brenda Hill, Self, Sioux Falls

Opponents: Douglas R. Wermedal, Associated School Boards of South Dakota, Pierre  
 Rob L Monson, School Administrators of South Dakota, Pierre  
 Samuel J Nelson, Sioux Falls School District, Sioux Falls  
 Sandra Marie Waltman, South Dakota Education Association, Pierre  
 Mitch Richter, South Dakota United School Association, Milbank  
 Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls  
 Morgan Gruebele, Bureau of Finance and Management

**MOTION: AMEND HB 1250**

1250B

On page 3, line 13, of the Introduced bill, delete "three thousand five hundred dollars " and insert "the per student equivalent amount, as calculated in accordance with § 13-13-10.1, "

On page 5, after line 17, of the Introduced bill, insert: "

**Section 12. That § 13-27-1 be AMENDED:**

**13-27-1.** Any person having control of a child, who is not younger than five or older than six years old by the first day of September, or any child who, by the first day of September, is at least six years old, but who has not exceeded the age of eighteen, shall cause the child to regularly attend ~~school, either a public school, attend a nonpublic school, or receive~~ alternative instruction as set forth in § 13-27-3, or receive a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter. ~~However,~~ The requirements of this section are met if a child who is at least sixteen years of age enrolls in a high school equivalency test preparation program and the child successfully completes the test or reaches the age of eighteen years.

A child is eligible to enroll in a school-based or school-contracted high school equivalency test preparation program or take the high school equivalency test if the child is sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:

- (1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
- (2) Authorization from a court services officer;
- (3) A court order requiring the child to enter the program;
- (4) Verification that the child is under the direction of the Department of Corrections; or
- (5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Any child who is sixteen or seventeen years of age and who completes the high school equivalency test preparation program may take a high school equivalency test immediately following release from the school program or when ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the high school equivalency preparation program or other suitable program as determined by the school district.

All children shall attend kindergarten prior to age seven. Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten."

On page 5, after line 17, of the Introduced bill, insert: "

**Section 13. That § 13-27-11 be AMENDED:**

**13-27-11.** Any person having control of a child of compulsory school age who fails to have the child attend school, as required by the provisions of this title, ~~or~~ provide alternative instruction pursuant to § 13-27-3, or provide a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, is guilty of a Class 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty of a Class 1 misdemeanor."

On page 5, after line 17, of the Introduced bill, insert: "

**Section 14. That § 13-27-16 be AMENDED:**

**13-27-16.** Each school board shall warn noncompliant parents or persons in control of children of compulsory school age that the children must ~~enter:~~

(1) Enter school and attend regularly, ~~or enroll;~~

(2) Enroll in a high school equivalency test preparation program in accordance with § 13-27-1, ~~or comply;~~

(3) Comply with § 13-27-3, ~~and; or~~

(4) Be provided with a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act.

The board shall report the parents or persons in control of the children to the truancy officer for the district if the warning is not heeded. All school board members, superintendents, and teachers shall cooperate in the enforcement of the school attendance laws."

On page 5, after line 17, of the Introduced bill, insert: "

**Section 15. That § 13-27-18 be AMENDED:**

**13-27-18.** Any superintendent or school board president who fails to make prompt reports on attendance as required by law; any person who harbors or employs a child of compulsory school age who is not legally excused during the school term ~~or,~~ being provided alternative instruction pursuant to § 13-27-3, or receiving a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act; the members of any school board who neglect or refuse to provide school facilities for children enrolled in their school district for at least nine months during the school year, or neglect to perform any other duties enumerated under the compulsory school attendance laws of this state; any truancy officer who neglects to perform the duties of his or her office; or any person who hampers or hinders a child of compulsory school age from attending a school in which the child is enrolled that meets all legal requirements, or who interferes or attempts to interfere with the child's attendance at the school in which the child is enrolled is guilty of a Class 2 misdemeanor."

On page 5, after line 17, of the Introduced bill, insert: "

**Section 16. That § 13-27-20 be AMENDED:**

**13-27-20.** Each truancy officer shall make and file truancy complaints for children who are enrolled in the school district. Any teacher, school officer, or citizen may make and file a truancy complaint, before a circuit court judge, against any person having control of a child of compulsory school age who is not being provided with alternative instruction ~~or,~~ receiving a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, attending school or whose attendance at school is irregular. The complaint must state the name of the parent, guardian, or person responsible for the control of the child. The complaint must be verified by oath upon belief of the complainant. A truancy complaint that, together with any accompanying affidavit, does not establish probable

cause must be dismissed upon motion of the defendant to the circuit court judge."

On page 5, after line 17, of the Introduced bill, insert: "

**Section 17. That § 13-27-29 be AMENDED:**

**13-27-29.** If a child of compulsory school age who has been attending an unaccredited school in another state or country ~~or has been,~~ receiving alternative instruction pursuant to § 13-27-3, or receiving a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, enrolls in a public school in this state, the child ~~shall~~ must be placed at the child's demonstrated level of proficiency as established by one or more standardized tests. However, a child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement, the child may be advanced according to the child's demonstrated performance. If a child of secondary school age who has been attending an unaccredited school in another state or country ~~or has been,~~ receiving alternative instruction pursuant to § 13-27-3, or receiving a personalized education funded through an educational empowerment account, as provided for in sections 1 to 10, inclusive, of this Act, enrolls in a public school in this state, the child shall be placed in English and math at the level of achievement demonstrated by one or two standardized tests, and in all other subjects on a review of transcripts according to the policy formally adopted by the school board. The child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his demonstrated performance.

Any parent or guardian who is dissatisfied with the placement of his child may appeal it to the secretary of the Department of Education."

Moved by: Soye  
Second by: Tordsen  
Action: Prevailed by voice vote

**MOTION: AMEND HB 1250**

1250J

On page 3, line 2, of the Introduced bill, delete " the per student equivalent amount, as calculated in accordance with § 13-13-10. 1," and insert " one thousand dollars"

On page 3, line 13, of the Introduced bill, after "transfer " delete "three thousand five hundred dollars "

On page 3, line 14, of the Introduced bill, delete "the per student equivalent amount, as calculated in accordance with § 13-13-10. 1," and insert " one thousand dollars"

On page 3, line 14, of the Introduced bill, after "dollars " insert "the per student equivalent amount, as calculated in accordance with § 13-13-10. 1, "

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grade advancement thereafter. After initial placement the child may be advanced according to his demonstrated performance.

Any parent or guardian who is dissatisfied with the placement of his child may appeal it to the secretary of the Department of Education."

Moved by: Deutsch  
 Second by: Odenbach  
 Action: Failed by roll call vote (5-8-2-0)

Voting Yes: Mulder, Emery, Odenbach, Soye, and Deutsch

Voting No: DeGroot, Heermann, Reisch, Callies, Arlint, Sauder, Moore, and Stevens

Excused: Jensen (Phil) and Tordsen

**MOTION: DEFER HB 1250 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Reisch  
 Second by: Arlint  
 Action: Prevailed by Majority Members Elect (11-2-2-0)

Voting Yes: DeGroot, Heermann, Reisch, Callies, Arlint, Sauder, Moore, Mulder, Emery, Deutsch, and Stevens

Voting No: Odenbach and Soye

Excused: Jensen (Phil) and Tordsen

**HB 1201 : make an appropriation for the teacher apprenticeship pathway program.**

Presented by: Representative Roger DeGroot (Handout(s) 4,5)

Proponents: Rob L Monson, School Administrators of South Dakota, Pierre  
 Sandra Marie Waltman, South Dakota Education Association, Pierre  
 Douglas R. Wermedal, Associated School Boards of South Dakota, Pierre

Opponents: Morgan Gruebele, Bureau of Finance and Management

Others: David DeJong, Self, Madison

**MOTION: REFER HB 1201 TO HOUSE COMMITTEE ON APPROPRIATIONS DO PASS**

Moved by: Emery  
 Second by: Deutsch  
 Action: Prevailed by roll call vote (14-0-1-0)

Voting Yes: DeGroot, Heermann, Reisch, Callies, Arlint, Sauder, Moore, Mulder, Emery, Odenbach, Soye, Tordsen, Deutsch, and Stevens

Excused: Jensen (Phil)

**MOTION: ADJOURN**

Moved by: Soye  
 Second by: Callies

Action:       Prevailed by voice vote

James Sapp, Committee Secretary

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/s/ MIKE STEVENS  
Mike Stevens, Chair