

## 2025 South Dakota Legislature

**House Bill 1020****AMENDMENT 1020B  
FOR THE INTRODUCED BILL**

1 **An Act to establish education savings accounts.**

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

3 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

4 Terms used in this chapter mean:

5 (1) "Curriculum," a course of study for a specific content area or grade level, which is  
6 approved by the Department of Education;

7 (2) "Eligible student," a child who:

8 (a) Has not reached the age of nineteen prior to July first of the current school  
9 year;

10 (b) Is, or during the applicable school year will be, in any educational grade  
11 level from kindergarten through twelve;

12 (c) Is a United States citizen or an alien who has permanent resident status;

13 (d) Is a resident of this state; and

14 (e) Is not and will not, during the applicable school year, be enrolled full-time  
15 in a school district in this state; and

16 (f) Does not and will not, during the applicable school year, have a notification  
17 of alternative instruction on file with the department;

18 (3) "Microschool," an educational entity that:

19 (a) ~~Is registered with the secretary of state;~~

20 (b) ~~Is located within this state;~~

21 (c) ~~Provides educational services to students who receive alternative~~  
22 ~~instruction in accordance with chapter 13-27; and~~

23 (d) ~~Requires enrollment and the payment of tuition;~~

24 "Nonaccredited nonpublic school," an educational entity that:

25 (a) Provides educational services to students in the basic skills of language arts  
26 and mathematics;

1 (b) Is located within this state;

2 (c) Has a student-instructor ratio no greater than twenty-two to one; and

3 (d) Is not required to become accredited by the department;

4 (4) "Parent," a biological or adoptive parent, stepparent, legal guardian, or custodian  
 5 of an eligible student; and

6 (5) "Qualifying school,":

7 (a) An accredited nonpublic school located in this state;

8 (b) A ~~microschool~~ nonaccredited nonpublic school; or

9 (c) A provider that offers virtual coursework approved by the ~~Department of~~  
 10 Education department, but not on behalf of a school district; ~~or~~

11 ~~(d) A provider of alternative instruction, in accordance with § 13-27-3.~~

12 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

13 Upon submission of an initial application by a parent, and approval by the  
 14 Department of Education, the department shall establish and provide the parent access to  
 15 an education savings account. Moneys in the account may be expended only for the  
 16 following:

17 (1) Tuition and fees required for:

18 (a) Enrollment at an accredited nonpublic school located within this state;

19 (b) Enrollment at a ~~microschool~~ nonaccredited nonpublic school that is  
 20 registered with the secretary of state;

21 (c) Virtual coursework approved by the department and offered by a provider,  
 22 but not on behalf of a school district;

23 (2) The purchase of curricula and associated instructional materials or supplies;

24 (3) The purchase of educationally related technological devices and associated  
 25 hardware and services; and

26 (4) The fee for any standardized college or university entrance examination approved  
 27 by the department.

28 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

29 The Department of Education shall consider each initial and renewal application in  
 30 the order it is received.

31 The department may not approve more applications than those for which moneys  
 32 have been appropriated.

1           For the second and any subsequent year of continuous participation, the parent  
2           shall submit a renewal application to the department.

3           **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

4           If the number of applications exceeds the moneys that have been appropriated for  
5           the purposes of this Act, the Department of Education shall prioritize the approval of the  
6           applications as follows:

7           (1) Renewal applications;

8           (2) Applications in which the household income is less than one hundred and fifty  
9           percent of eligibility for reduced price meals through the National School Lunch  
10           Program, as defined in 42 U.S.C. § 1751 et seq. (January 1, 2025);

11           (3) Applications in which the household income is at least one hundred and fifty percent  
12           but no greater than two hundred percent of eligibility for reduced price meals  
13           through the National School Lunch Program, as defined in 42 U.S.C. § 1751 et seq.  
14           (January 1, 2025); and

15           (4) Any remaining applications.

16           **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

17           Upon approval of an initial or a renewal application, the department shall deposit  
18           into an education savings account an amount equal to forty percent of the per student  
19           equivalent, as defined in § 13-13-10.1. The number of students eligible to receive an  
20           education savings account is determined, each year, in accordance with the amount  
21           appropriated for that purpose.

22           If an eligible student is enrolled in a school district for a portion of the instructional  
23           day, the department must pro rate the amount to be deposited.

24           **Section 6. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

25           Any moneys that remain unexpended, in an account, as of each June thirtieth,  
26           revert to the state.

27           **Section 7. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

28           The Department of Education shall conduct random compliance audits of education  
29           savings accounts and shall refer any cases of suspected fraud to the attorney general for  
30           an investigation and if applicable, a civil action for the recovery of moneys.

1 **Section 8. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

2 The right of a parent to appeal any determination by the Department of Education  
3 must occur in accordance with chapter 1-26 and is limited to matters regarding the  
4 eligibility of a student.

5 **Section 9. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

6 The Department of Education shall transmit information regarding a student's  
7 education savings account to the partners in education tax credit program, as established  
8 in chapter 13-65.

9 **Section 10. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

10 The Department of Education shall develop and make available on its website a  
11 handbook regarding the education savings account program, as established in this Act.

12 **Section 11. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

13 The Department of Education shall promulgate rules in accordance with chapter 1-  
14 26, to:

15 (1) Develop forms to be used when initially applying for and renewing an education  
16 savings account;

17 (2) Establish a process for and the criteria by which initial and renewal applications  
18 must be evaluated;

19 (3) Establish a process for and the criteria by which the department must verify, for  
20 purposes of an authorized expenditure from an education savings account, tuition  
21 and fees required for:

22 (a) Enrollment at an accredited nonpublic school located within this state;

23 (b) Enrollment at a ~~microschool~~ nonaccredited nonpublic school; and

24 (c) Virtual coursework approved by the department and offered by a provider,  
25 but not on behalf of a school district;

26 (4) Establish a process for and the criteria by which the department must evaluate, for  
27 purposes of an authorized expenditure from an education savings account:

28 (a) Curricula and associated instructional materials or supplies;

29 (b) Educationally related technological devices and associated hardware and  
30 services;

31 (c) Virtual coursework; and

- 1           (d) Standardized college or university entrance examinations;  
 2           (5) Establish a process for and the criteria by which the department may terminate an  
 3           education savings account;  
 4           (6) Establish criteria for random compliance audits of education savings accounts; and  
 5           (7) Establish a process for and the criteria by which expenditures from education  
 6           savings accounts may occur.

7           **Section 12. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

8           Nothing in this Act limits the independence or autonomy of a qualifying school. A  
 9           qualifying school is entitled to all freedoms and flexibilities necessary for the provision of  
 10          education to its students, without governmental control.

11          Nothing in this Act requires a qualifying school to alter its admissions policy, beliefs,  
 12          creed, curriculum, employment practices, or any other policy or practice, in order to accept  
 13          eligible students.

14          Nothing in this Act requires the disclosure of household income, unless  
 15          prioritization of the application is pursued in accordance with section 4 of this Act.

16          Nothing in this Act expands the regulatory authority of this state, its officers, or  
 17          any school district, with respect to the imposition of any additional requirements or  
 18          restrictions on qualifying schools, beyond those necessary to enforce the requirements of  
 19          this program.

20          Nothing in this Act imposes or authorizes the imposition of any additional  
 21          requirements or restrictions on any parent or other provider of alternative instruction to  
 22          the parent's child, as a result of the parent's decision not to apply for an education savings  
 23          account.

24          **Section 13. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

25          Nothing in this Act authorizes a qualifying school to impose upon a student who  
 26          utilizes an education savings account, a higher tuition charge or fee than that imposed  
 27          upon a student who does not utilize an account.

28          **Section 14. That § 13-25-1 be AMENDED:**

29                 **13-25-1.** In addition to all other requirements provided by law, every public-~~or~~  
 30                 and accredited nonpublic school, or private institution operating a school-~~shall be,~~ is  
 31                 subject to the provisions of this chapter and-~~shall~~ must be constructed, equipped,

1 operated, and maintained in a safe condition, so as to provide for the safety of all persons  
2 employed, accommodated, housed, or assembled therein, with respect to the type of  
3 construction and materials used, fireproofing, the number and types of ways of egress,  
4 aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors  
5 and doorways, shaft ways and other vertical openings, fire alarm systems, electrical  
6 equipment, flammable and explosive materials, heating systems and fuel storage,  
7 numbers of occupants, ventilation, and all other emergency protection.

8 **Section 15. That § 13-27-1 be AMENDED:**

9 **13-27-1.** Any person having control of a child, who is not younger than five or  
10 older than six years old by the first day of September, or any child who, by the first day  
11 of September, is at least six years old, but who has not exceeded the age of eighteen,  
12 shall cause the child to regularly attend a public or an accredited nonpublic school,~~either~~  
13 ~~public, nonpublic, or, receive~~ alternative instruction as set forth in § 13-27-3, or attend a  
14 nonaccredited nonpublic school, as defined in section 1 of this Act, until the child reaches  
15 the age of eighteen years, unless the child has graduated or is excused as provided in this  
16 chapter. ~~However, the~~ The requirements of this section are met if a child who is at least  
17 sixteen years of age enrolls in a high school equivalency test preparation program and the  
18 child successfully completes the test or reaches the age of eighteen years.

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

- 23 (1) Verification from a school administrator that the child will not graduate with the  
24 child's cohort class because of credit deficiency;
- 25 (2) Authorization from a court services officer;
- 26 (3) A court order requiring the child to enter the program;
- 27 (4) Verification that the child is under the direction of the Department of Corrections;  
28 or
- 29 (5) Verification that the child is enrolled in Job Corps, as authorized by Title I-C of the  
30 Workforce Investment Act of 1998, ~~as amended to~~ 20 U.S.C. 9201 (January 1,  
31 20092025).

32 Any child who is sixteen or seventeen years of age and who completes the high  
33 school equivalency test preparation program may take a high school equivalency test  
34 immediately following release from the school program or when ordered to take the test

1 by a court. Any ~~such~~ child who fails to successfully complete the test shall re-enroll in the  
2 school district and may continue the high school equivalency preparation program or other  
3 suitable program, as determined by the school district.

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

7 **Section 16. That a NEW SECTION be added to chapter 13-27:**

8 When a notification is filed with the Department of Education or the school district,  
9 by a parent, guardian, or other person having control of a child, the department or the  
10 school district has notice that the child is being enrolled in a nonaccredited nonpublic  
11 school, as defined in section 1 of this Act, and is being provided with the basic skills of  
12 language arts and mathematics. The person providing instruction is not required to be  
13 certified.

14 One instructor may not serve more than twenty-two children. All instruction must  
15 be given so as to lead to a mastery of the English language.

16 If a student has on file with the department a notification of alternative instruction,  
17 the acceptance by the department of an initial application for an education savings account  
18 serves as a notice of intent to register as a student in a nonaccredited nonpublic school  
19 and revokes the prior notification of alternative instruction for the applicable school year.

20 **Section 17. That § 13-27-11 be AMENDED:**

21 ~~13-27-11. Any A person is guilty of a Class 2 misdemeanor for a first offense if,~~  
22 ~~having control of a child of compulsory school age who, the person fails to have:~~

23 ~~(1) Have the child attend school, as required by the provisions of this title, or provide;~~

24 ~~(2) Provide alternative instruction pursuant to § 13-27-3, is guilty of a Class 2~~  
25 ~~misdemeanor for the first offense; or~~

26 ~~(3) Enroll the child in a nonaccredited nonpublic school, as defined in section 1 of this~~  
27 ~~Act.~~

28 ~~For each~~Each subsequent offense, ~~a violator~~ of this section is ~~guilty of a Class 1~~  
29 ~~misdemeanor.~~

30 **Section 18. That § 13-27-16 be AMENDED:**

1            ~~13-27-16. Each school~~The board of a school district shall warn a noncompliant  
 2 ~~parents or persons~~ parent or person in control of ~~children~~ a child of compulsory school age  
 3 that the ~~children~~ child must enter school and attend regularly, or ~~enroll~~;

4            (1) Enroll in a high school equivalency test preparation program in accordance with

5            § 13-27-1, ~~or comply~~;

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

7            (3) Enroll in a nonaccredited nonpublic school, as defined in section 1 of this Act.

8            The board shall report the ~~parents or persons~~ parent or person in control of the  
 9 ~~children~~ child to the truancy officer for the district, if the warning is not heeded. All school  
 10 board members, superintendents, and teachers shall cooperate in the enforcement of the  
 11 school attendance laws.

12 **Section 19. That § 13-27-18 be AMENDED:**

13            **13-27-18.** Any superintendent or school board president who fails to make prompt  
 14 reports on attendance as required by law; any person who harbors or employs a child of  
 15 compulsory school age who is not legally excused during the school term ~~or being~~,  
 16 provided alternative instruction pursuant to § 13-27-3, or enrolled in a nonaccredited  
 17 nonpublic school, as defined in section 1 of this Act; the members of any school board  
 18 who neglect or refuse to provide school facilities for children enrolled in their school district  
 19 for at least nine months during the school year, or neglect to perform any other duties  
 20 enumerated under the compulsory school attendance laws of this state; any truancy  
 21 officer who neglects to perform the duties of his or her office; or any person who hampers  
 22 or hinders a child of compulsory school age from attending a school in which the child is  
 23 enrolled that meets all legal requirements, or who interferes or attempts to interfere with  
 24 the child's attendance at the school in which the child is enrolled is guilty of a Class 2  
 25 misdemeanor.

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

27            **13-27-20.** Each truancy officer shall make and file truancy complaints for ~~children~~  
 28 ~~who are~~ a child who is enrolled in the school district. Any teacher, school officer, or citizen  
 29 may make and file a truancy complaint, before a circuit court judge, against any person  
 30 having control of a child of compulsory school age ~~who is not being provided with~~  
 31 ~~alternative instruction or if~~;

32            (1) The child is not attending school ~~or whose~~;

33            (2) The child's attendance at school is irregular;



- 1 (3) The child is not being provided with alternative instruction; or  
 2 (4) The child is not enrolled in a nonaccredited nonpublic school, as defined in section  
 3 1 of this Act.

4 The complaint must state the name of the parent, guardian, or person responsible  
 5 for the control of the child. The complaint must be verified by oath upon belief of the  
 6 complainant. A truancy complaint that, together with any accompanying affidavit, does  
 7 not establish probable cause must be dismissed upon motion of the defendant to the circuit  
 8 court judge.

9 **Section 21. That § 13-27-29 be AMENDED:**

10 **13-27-29.** ~~If a child of compulsory school age has been attending an unaccredited~~  
 11 ~~elects to enroll in a school district in this state, after having attended a nonaccredited~~  
 12 ~~school in another state or country or has been, after receiving alternative instruction~~  
 13 ~~pursuant to § 13-27-3 enrolls in a public school in this state, or after having attended a~~  
 14 ~~nonaccredited nonpublic school, as defined in section 1 of this Act, the child shall must be~~  
 15 ~~placed at the child's demonstrated level of proficiency, as established by one or more~~  
 16 ~~standardized tests. However, a A child's placement may be in one grade level higher than~~  
 17 ~~warranted by the child's chronological age, assuming entry into the first grade at age six~~  
 18 ~~and annual grade advancement thereafter. After initial placement, the child may be~~  
 19 ~~advanced according to the child's demonstrated performance.~~

20 ~~If a child of secondary school age has been attending an unaccredited~~  
 21 ~~elects to enroll in a school district in this state, after having attended an nonaccredited~~  
 22 ~~school in another state or country or has been, after receiving alternative instruction pursuant to~~  
 23 ~~§ 13-27-3 enrolls in a public school in this state, or after having attended a nonaccredited~~  
 24 ~~nonpublic school, the child shall must be placed in English and math mathematics at the~~  
 25 ~~level of achievement demonstrated by one or two standardized tests, and must be placed~~  
 26 ~~in all other subjects based on a review of transcripts according to the policy formally~~  
 27 ~~adopted by the school board of the district. The child's placement may be in one grade~~  
 28 ~~level higher than warranted by the child's chronological age, assuming entry into the first~~  
 29 ~~grade at age six and annual grade advancement thereafter. After initial placement, the~~  
 30 ~~child may be advanced according to his the child's demonstrated performance.~~

31 ~~Any A~~ parent or guardian who is dissatisfied with the child's placement ~~of his child~~  
 32 may appeal ~~it~~ to the secretary of the Department of Education.

33 **Section 22. That § 13-28-37 be AMENDED:**

1           **13-28-37.** Any student in grades nine, ten, eleven, or twelve may apply to an  
 2 institution of higher education or a technical college, as a special student in ~~a course~~ one  
 3 or more courses offered at the institution of higher education or technical college. The  
 4 institution of higher education or technical college shall set admission standards and  
 5 tuition rates. The student shall obtain the school district's approval of ~~the~~ each  
 6 postsecondary course prior to ~~enrolling~~ enrollment.

7           If the student is enrolled in ~~a~~ an accredited nonpublic school or a tribal school, the  
 8 student must obtain approval of ~~the~~ each postsecondary course, from the accredited  
 9 nonpublic school or the tribal school, prior to ~~enrolling~~ and if enrollment.

10           If the student is receiving alternative instruction pursuant to § 13-27-3, or if the  
 11 student is enrolled in a nonaccredited nonpublic school, as defined in section 1 of this Act,  
 12 the student must obtain approval of ~~the~~ each postsecondary course prior to ~~enrolling~~  
 13 enrollment, from the provider of the alternative instruction or an instructor at the  
 14 nonaccredited nonpublic school.

15           If approved, the student must receive full credit toward high school graduation, as  
 16 well as postsecondary credit, for each postsecondary course. The school district shall  
 17 record each course under this section on the student's transcript and shall use each course  
 18 score to calculate academic standing.

19           If a student receives a failing final course grade ~~is received~~ in a postsecondary  
 20 course under this section, the student ~~receiving the failure~~ is no longer eligible to enroll  
 21 ~~for~~ in a postsecondary course under this section, absent a showing of good cause.

22 **Section 23. That § 13-28-41 be AMENDED:**

23           **13-28-41.** A school district shall grant a request for a transfer into the district or  
 24 within the district, unless the transfer would result in an inability to provide a quality  
 25 educational program, based on criteria established by the district pursuant to § 13-28-44.

26           ~~In addition, a~~ school district shall grant a request to admit into the district a child  
 27 who is a resident of another school district and who is excused from attending school in  
 28 the resident district pursuant to § 13-27-2, ~~or is a child who is~~ provided with alternative  
 29 instruction pursuant to § 13-27-3, or who is enrolled in a nonaccredited nonpublic school,  
 30 as defined in section 1 of this Act, unless admitting the nonresident child would result in  
 31 an inability to provide a quality educational program based on criteria established by the  
 32 district pursuant to § 13-28-44.

33 **Section 24. That § 13-28-51 be AMENDED:**

1           **13-28-51.** The resident school district of a child being provided alternative  
 2 instruction pursuant to § 13-27-3 and the resident school district of a child enrolled in a  
 3 nonaccredited nonpublic school, as defined in section 1 of this Act, shall admit that child  
 4 to a public school in the district, upon request from the child's parent or legal guardian. A  
 5 child enrolled in a school district pursuant to this section may ~~be enrolled in~~ attend a  
 6 ~~school of the school~~ in the district on only a partial basis and ~~shall continue to also~~ be  
 7 provided with alternative instruction pursuant to § 13-27-3 or continue to attend a  
 8 nonaccredited nonpublic school.

9           **Section 25. That § 13-34-23 be AMENDED:**

10           **13-34-23.** ~~Each public school~~ The board of a school district shall loan, without  
 11 charge, ~~to all persons ages~~ any person age five through nineteen, ~~who are either is~~  
 12 enrolled in a public school, ~~or a~~ an accredited nonpublic school, ~~or who are engaged in a~~  
 13 ~~course of~~ in the district, is receiving alternative instruction pursuant to § 13-27-3, ~~within~~  
 14 ~~the school district under such board's jurisdiction or who are residing in such~~ or is enrolled  
 15 in a nonaccredited nonpublic school in the district but are, as defined in section 1 of this  
 16 Act, and to any person age five through nineteen who is not enrolled in any such school  
 17 ~~or engaged in any such course of~~ is not receiving alternative instruction, ~~such~~ nonsectarian  
 18 textbooks designed for individual use ~~as are~~ and normally furnished by ~~such school~~ the  
 19 board to individual students enrolled in the public schools of the district ~~under such board's~~  
 20 jurisdiction.

21           For the purposes of this chapter, ~~textbooks are~~ "textbooks" mean any instructional  
 22 materials that constitute the principal source of teaching and learning for a given course  
 23 of study, including print and digital materials, but not including any computer hardware.

24           All such textbooks shall must be approved by the ~~respective~~ board of the school  
 25 ~~boards~~ district.

26           **Section 26. That § 13-36-4 be AMENDED:**

27           **13-36-4.** ~~The school board of a public school, approved and accredited by the~~  
 28 ~~secretary of the Department of Education,~~ board of a school district may delegate, on a  
 29 year to year basis, the control, supervision, and regulation of any high school  
 30 interscholastic activities to any association that is voluntary and nonprofit if:

- 31           (1) Membership in the association is open to all high schools approved and accredited  
 32 ~~pursuant to this section by the Department of Education,~~ including any school that  
 33 allows participation by students ~~receiving~~ who:

1 ~~(a) Receive~~ alternative instruction as set forth in § 13-27-3, ~~pursuant to the~~  
 2 ~~provisions of this title; or~~

3 ~~(b) Are enrolled in a nonaccredited nonpublic school, as defined in section 1 of~~  
 4 ~~this Act;~~

5 (2) The constitution, bylaws, and rules of the association are subject to ratification by  
 6 the ~~school~~ boards of the member ~~public~~ school districts and the governing boards  
 7 of the member nonpublic schools, and include a provision for a proper review  
 8 procedure and review board;

9 (3) The report of any audit required by § 13-36-5 is made public on the association's  
 10 website, as well as the Department of Legislative Audit's website;

11 (4) The association complies with the provisions of chapter 1-25 and chapter 1-27-  
 12 ~~However, provided~~ the association, and its employees, meetings, and records, are  
 13 afforded the same exemptions and protections as a political subdivision or public  
 14 body is provided under chapter 1-25 and chapter 1-27; and

15 (5) The association shall report to the Government Operations and Audit Committee  
 16 annually, or at the call of the chair.

17 The governing body of a nonpublic school, approved and accredited by the  
 18 ~~secretary of the~~ Department of Education, ~~or~~, AdvancED, ~~or~~ the Association of Christian  
 19 Schools International ~~(ACSI)~~, ~~or~~, the Association of Classical and Christian Schools  
 20 ~~(ACCS)~~, ~~or~~, Christian Schools International ~~(CSI)~~, ~~or~~, the National Lutheran School  
 21 Accreditation ~~(NLSA)~~, ~~or~~ the Commission for Oceti Sakowin Accreditation ~~(COSA)~~, or the  
 22 Wisconsin Evangelical Lutheran Synod School Accreditation, may also delegate, on a year  
 23 to year basis, the control, supervision, and regulation of any high school interscholastic  
 24 activities to any association that is voluntary and nonprofit, if membership in ~~such~~ the  
 25 association is open to all high schools approved and accredited pursuant to this section,  
 26 including any school that allows participation by students receiving alternative instruction,  
 27 as set forth in § 13-27-3, ~~pursuant to the provisions of this title~~ and by students enrolled  
 28 in a nonaccredited nonpublic school, as defined in section 1 of this Act, and if the  
 29 constitution, bylaws, and rules of the association are subject to ratification by the school  
 30 boards of the member ~~public~~ school districts and the governing boards of the member  
 31 nonpublic schools and include a provision for a proper review procedure and review board.

32 Any association that complies with this section may exercise the control,  
 33 supervision, and regulation of interscholastic activities, including interscholastic athletic  
 34 events of member schools. The association may promulgate ~~reasonable uniform~~ rules, to

1        make decisions and ~~to~~ provide and enforce ~~reasonable~~ penalties for the violation of the  
2        rules.

3        **Section 27. That a NEW SECTION be added to chapter 13-36:**

4                Each school district shall allow participation in athletics, fine arts, or activities by a  
5                child who is enrolled in a nonaccredited nonpublic school, as defined in section 1 of this  
6                Act, and resides in the district. The parent, guardian, or other person in control of the  
7                child shall submit proof of the child's age at the time of participation in athletics, fine arts,  
8                or activities. The participating child must be held to the same local training rules and South  
9                Dakota High School Activities Association transfer and non-academic eligibility rules as all  
10              other enrolled students.

11              Before the current season of the sport or activity in which the child enrolled in a  
12              nonaccredited nonpublic school is participating, the parent, guardian, or other person in  
13              control of the child shall provide the appropriate school official with a copy of a transcript  
14              that is issued by the nonaccredited nonpublic school and which shows the previous  
15              semester's coursework completed by the child.

16              The parent, guardian, or other person in control of the child shall notify the  
17              appropriate school official if the child becomes ineligible under any applicable South  
18              Dakota High School Activities Association or local school rules.

19              Nothing in this section confers in any student or child wishing to participate in an  
20              interscholastic activity, any vested right to be selected for competition.

21        **Section 28. That a NEW SECTION be added to chapter 13-55:**

22              In order to be eligible for a South Dakota opportunity scholarship pursuant to this  
23              section, a student who is enrolled in a nonaccredited nonpublic school, as defined in  
24              section 1 of this Act, must:

25              (1) Be a resident of this state;

26              (2) Obtain a composite score or superscore of at least twenty-four on the ACT or a  
27              comparable score on the SAT, as determined by the Board of Regents;

28              (3) Provide a transcript of completed coursework that is issued by the parent or  
29              guardian listed on the notification and includes:

30              (a) Four or more units of language arts, including:

31                      (i) One and one-half units of writing;

32                      (ii) One and one-half units of literature, one-half unit of which must be  
33                      American literature;

- 1 (iii) One-half unit of speech or debate; and  
2 (iv) One-half unit of a language arts elective;  
3 (b) Three or more units of social studies, including:  
4 (i) One unit of U.S. history;  
5 (ii) One-half unit of U.S. government;  
6 (iii) One-half unit of geography;  
7 (iv) One-half unit of world history; and  
8 (v) One-half unit of a social studies elective;  
9 (c) Four units of mathematics, including:  
10 (i) One unit of algebra I;  
11 (ii) One unit of geometry;  
12 (iii) One unit of algebra II; and  
13 (iv) One unit of advanced math;  
14 (d) Four units of science, at least three of which must be laboratory science,  
15 including:  
16 (i) One unit of biology;  
17 (ii) One unit of any physical science;  
18 (iii) One unit of chemistry or physics; and  
19 (iv) One unit of science electives;  
20 (e) Two units of either of the following or a combination of the two:  
21 (i) Career and technical education; and  
22 (ii) World languages;  
23 (f) One-half unit of personal finance or economics;  
24 (g) One unit of fine arts;  
25 (h) One-half unit of physical education; and  
26 (i) One-half unit of health or health integration;  
27 (4) Attend a university, college, or technical school that is accredited by the Higher  
28 Learning Commission and provides instruction from a campus located in this state;  
29 and  
30 (5) Enter into the program:  
31 (a) Within five years after the conclusion of the school year in which the student  
32 graduated from a nonaccredited nonpublic school, as defined in section 1 of  
33 this Act; or  
34 (b) Within one year after the conclusion of the school year in which the student  
35 was discharged from active duty with the armed forces, provided the

1 discharge occurred within five years after the conclusion of the school year  
 2 in which the student graduated from a nonaccredited nonpublic school.

3 If a student attends full-time a regionally accredited university, college, or technical  
 4 school, located outside this state, and within two years from the end of the school year in  
 5 which the student graduated from a nonaccredited nonpublic school, or within two years  
 6 after the conclusion of the school year in which the student was discharged from active  
 7 duty with the armed forces, as set forth in subdivision (5) of this section, returns to the  
 8 state to attend full-time a regionally accredited university, college, or technical school, the  
 9 student is eligible to receive a partial award.

10 A student is eligible to participate in the South Dakota opportunity scholarship  
 11 program for the equivalent of eight consecutive fall and spring semesters or until the  
 12 attainment of a baccalaureate degree, whichever comes first. The Board of Regents may  
 13 grant exceptions to the continuous enrollment requirement upon a showing of good cause.

14 **Section 29. That § 26-8A-5 be AMENDED:**

15 **26-8A-5.** As used in §§ 26-8A-3 and 26-8A-7, the terms "teacher," "school  
 16 counselor," "school official," "school administrator," "school principal," and "school  
 17 superintendent" apply to ~~any~~:

18 (1) Any person, except as otherwise provide in subdivision (3), substantially  
 19 performing the respective duties of ~~any such the~~ position in a public or ~~private~~  
 20 ~~nonpublic school, whether accredited or unaccredited, and to any;~~

21 (2) Any person providing instruction pursuant to § 13-27-3; and

22 (3) Any person providing instruction in a nonaccredited nonpublic school as defined in  
 23 section 1 of this Act.

24 **Section 30. That § 26-8A-7 be AMENDED:**

25 **26-8A-7.** Any person who has contact with a child through the performance of  
 26 services in any public or ~~private nonpublic~~ school, ~~whether accredited or unaccredited,~~ as  
 27 a teacher, school nurse, school counselor, school official or administrator, ~~or any person~~  
 28 ~~providing services pursuant to § 13-27-3~~ shall notify the school principal or school  
 29 superintendent or designee of suspected abuse or neglect. The school principal or  
 30 superintendent shall report the information in accordance with the provisions of § 26-8A-  
 31 8. Each school district shall have a written policy on the reporting of child abuse and  
 32 neglect.

1           Any person who has contact with a child through the performance of services  
2 pursuant to § 13-27-3, shall report any suspected abuse or neglect in accordance with the  
3 provisions of § 26-8A-8.

4           Any person who has contact with a child through the performance of services in a  
5 nonaccredited nonpublic school, as defined in section 1 of this Act, shall report any  
6 suspected abuse or neglect in accordance with the provisions of § 26-8A-8.

7           Any person who knowingly and intentionally fails to make a required report is guilty  
8 of a Class 1 misdemeanor.~~Each school district shall have a written policy on reporting of~~  
9 ~~child abuse and neglect.~~

