

Roll Call

Present: Rep. Arlint, Rep. Baxter, Rep. DeGroot, Rep. Garcia, Rep. Halverson, Rep. Heermann, Rep. Ismay, Rep. Jordan, Rep. Manhart, Rep. Rice, Rep. Schwans, Rep. Stevens, Rep. Uhre-Balk, Rep. Jensen (Phil), and Rep. Greenfield

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

**MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 27<sup>TH</sup>**

Moved by: Jensen (Phil)  
Second by: Arlint  
Action: Prevailed by voice vote

**HB 1009 : provide for the creation and use of South Dakota educational empowerment accounts, and to provide a penalty therefor.**

Presented by: Representative Dylan Jordan

**MOTION: DO PASS HB 1009 AS AMENDED**

Moved by: Jensen (Phil)  
Second by: Jordan  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER HB 1009 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Heermann  
Second by: DeGroot  
Action: Prevailed by Majority Members Elect (8-7-0-0)

Voting Yes: Arlint, DeGroot, Halverson, Heermann, Ismay, Stevens, Uhre-Balk, and Greenfield

Voting No: Baxter, Garcia, Jordan, Manhart, Rice, Schwans, and Jensen (Phil)

**HB 1020 : establish education savings accounts.**

Presented by: Representative Scott Odenbach (Handout(s) 1,3)

Proponents: Sarah Hitchcock, Governor's Office  
Joseph Graves, Department of Education  
Michael G. Pauley, South Dakota Catholic Conference, Rapid City  
Mary Jo Fairhead, Self, Martin  
Jeremy Zajicek, Self, Huron  
Florence K. Thompson, South Dakota Parents Involved in Education, Caputa  
Kiersten Sombke, Self, Aberdeen  
Kyle Groos, Self, Sioux Falls  
Representative Liz May  
Jennifer Beving, Americans For Prosperity, Sioux Falls

Jay Woudstra, Self, Sioux Falls  
 Julie Tipton, Self, Rapid City  
 Logan Thune, Self, Sioux Falls  
 Don Haggard, Americans For Prosperity, Ballston, VA  
 Todd Tegethoff, Self, Mitchell  
 Monica Tanner, Self, Rapid City  
 Lisa Gennaro, Protecting South Dakota Kids Inc., Rapid City  
 Tessa Ziemba, Self, Sioux Falls  
 Clay Rhodes, Opportunity Solutions Project, Tallahassee, FL  
 Norman Woods, SD Family Voice Action, Rapid City  
 Terra Larson, Yes Every Kid, Arlington, VA  
 Opponents: Kathleen Puttmann, Self, Colton  
 Brenda Smith, Self, Sioux Falls  
 Jennifer Gustafson, Self, Langford  
 Sarah Gross, Self, Rapid City  
 Anthony Mirzayants, Young Americans for Liberty, Austin, TX  
 Wayne Kindle, Self, Yankton  
 David Owen, South Dakota Chamber of Commerce & Industry, Pierre  
 Roquel Gourneau, Self, Crow Creek Sioux Tribe  
 Nathan Sanderson, South Dakota Retailers Association, Pierre  
 Lisa Groon, Self, Harrisburg  
 Christine Stephenson, Self, Rapid City  
 Jeff Clark, Self, Tulare  
 Kraig Steinhoff, Self, Huron  
 Rob Monson, School Administrators of South Dakota, Pierre (Handout(s) 2)  
 Cole Uecker, Disability Rights South Dakota, Pierre  
 Sandra Marie Waltman, South Dakota Education Association, Pierre  
 Melissa McCauley, Dakota Rural Action, Brookings  
 Melissa McCauley, South Dakota Advocacy Network for Women, Sioux Falls  
 Melissa McCauley, South Dakotans for Equity, Sioux Falls  
 Melissa McCauley, South Dakota Voices for Justice, Sioux Falls  
 Heath Larson, Associated School Boards of South Dakota, Pierre  
 Dianna Miller, Large School Group, Vermillion  
 John Dale, Self, Spearfish  
 Samuel J. Nelson, Rapid City School District, Rapid City  
 Samuel J. Nelson, Sioux Falls School District, Sioux Falls  
 Travis Petty, Self, Viborg

**MOTION: AMEND HB 1020**

1020B

On page 1, line 13, of the Introduced bill, after "state; " delete "and"  
 On page 1, line 15, of the Introduced bill, after "state;" insert " and  
 (f) Does not and will not, during the applicable school year, have a notification of alternative instruction on file with the department;"  
 On page 1, line 16, of the Introduced bill, delete "'Microschool,' an educational entity that:  
 (a) Is registered with the secretary of state;  
 (b) Is located within this state;  
 (c) Provides educational services to students who receive alternative instruction in accordance with chapter 13-27; and  
 (d) Requires enrollment and the payment of tuition;" and insert "  
 "Nonaccredited nonpublic school," an educational entity that:

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

(b) Is located within this state;

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

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

On page 1, line 26, of the Introduced bill, delete "microschool" and insert " nonaccredited nonpublic school"

On page 1, line 26, of the Introduced bill, after "microschool;" insert " or"

On page 2, line 1, of the Introduced bill, delete " Department of Education" and insert " department"

On page 2, line 2, of the Introduced bill, after "district" delete "; or"

On page 2, line 3, of the Introduced bill, after "or" delete "(d) A provider of alternative instruction, in accordance with § 13-27-3"

On page 2, line 11, of the Introduced bill, delete " microschool" and insert " nonaccredited nonpublic school that is registered with the secretary of state"

On page 4, line 18, of the Introduced bill, delete " microschool" and insert " nonaccredited nonpublic school"

On page 5, after line 21, of the Introduced bill, insert: "

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

**13-25-1.** In addition to all other requirements provided by law, every public-~~or~~ and accredited nonpublic school, or private institution operating a school-~~shall be,~~ is subject to the provisions of this chapter and-~~shall~~ must be constructed, equipped, operated, and maintained in a safe condition, so as to provide for the safety of all persons employed, accommodated, housed, or assembled therein, with respect to the type of construction and materials used, fireproofing, the number and types of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and doorways, shaft ways and other vertical openings, fire alarm systems, electrical equipment, flammable and explosive materials, heating systems and fuel storage, numbers of occupants, ventilation, and all other emergency protection."

On page 5, after line 21, of the Introduced bill, insert: "

**Section 15. 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 a public or an accredited nonpublic school, ~~either public, nonpublic, or,~~ receive alternative instruction as set forth in § 13-27-3, or attend a nonaccredited nonpublic school, as defined in section 1 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~~ 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~~ 20 U.S.C. 9201 (January 1, ~~2009~~2025).

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 21, of the Introduced bill, insert: "

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

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

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

- (1) ~~Have the child attend school, as required by the provisions of this title, or provide;~~
- (2) ~~Provide~~ alternative instruction pursuant to § 13-27-3, ~~is guilty of a Class 2 misdemeanor for the first offense; or~~
- (3) Enroll the child in a nonaccredited nonpublic school, as defined in section 1 of this Act.

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

- (1) Enroll in a high school equivalency test preparation program in accordance with § 13-27-1, or comply;
- (2) Comply with § 13-27-3, and; or
- (3) Enroll in a nonaccredited nonpublic school, as defined in section 1 of this Act.

The board shall report the ~~parents or persons parent or person~~ parent or person in control of the ~~children child~~ child 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 21, of the Introduced bill, insert: "

**Section 19. 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 enrolled in a nonaccredited nonpublic school, as defined in section 1 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 21, of the Introduced bill, insert: "

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

**13-27-20.** Each truancy officer shall make and file truancy complaints for ~~children who are a child who is~~ 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 if:~~

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

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 21, of the Introduced bill, insert: "

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

**13-27-29.** ~~If a child of compulsory school age has been attending an unaccredited~~ elects to enroll in a school district in this state, after having attended a nonaccredited school in another state or country ~~or has been, after receiving alternative instruction pursuant to § 13-27-3 enrolls in a public school in this state, or after having attended a nonaccredited nonpublic school, as defined in section 1 of this Act, the child shall must~~ be placed at the child's demonstrated level of proficiency, as established by one or more standardized tests. ~~However, a~~ 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 ~~has been attending an unaccredited~~ elects to enroll in a school district in this state, after having attended an unaccredited school in another state or country ~~or has been, after receiving alternative instruction pursuant to § 13-27-3 enrolls in a public school in this state, or after having attended a nonaccredited nonpublic school,~~ the child ~~shall must~~ be placed in English and ~~math~~ mathematics at the level of achievement demonstrated by one or two standardized tests, and must be placed in all other subjects based on a review of transcripts according to the policy ~~formally~~ adopted by the ~~school board~~ of the district. 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~~ the child's demonstrated performance.

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

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

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

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

**13-36-4.** ~~The school board of a public school, approved and accredited by the secretary of the Department of Education,~~ board of a school district may delegate, on a

year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association that is voluntary and nonprofit if:

- (1) Membership in the association is open to all high schools approved and accredited ~~pursuant to this section by the Department of Education~~, including any school that allows participation by students ~~receiving who:~~
  - (a) ~~Receive~~ alternative instruction as set forth in § 13-27-3, ~~pursuant to the provisions of this title; or~~
  - (b) Are enrolled in a nonaccredited nonpublic school, as defined in section 1 of this Act;
- (2) The constitution, bylaws, and rules of the association are subject to ratification by the ~~school~~ boards of the member ~~public~~ school districts and the governing boards of the member nonpublic schools, and include a provision for a proper review procedure and review board;
- (3) The report of any audit required by § 13-36-5 is made public on the association's website, as well as the Department of Legislative Audit's website;
- (4) The association complies with the provisions of chapter 1-25 and chapter 1-27; ~~However, provided~~ the association, and its employees, meetings, and records, are afforded the same exemptions and protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-27; and
- (5) The association shall report to the Government Operations and Audit Committee annually, or at the call of the chair.

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

Any association that complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools. The association may promulgate ~~reasonable uniform~~ rules, to make decisions and ~~to provide and enforce reasonable~~ penalties for the violation of the rules."

On page 5, after line 21, of the Introduced bill, insert: "

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

Each school district shall allow participation in athletics, fine arts, or activities by a child who is enrolled in a nonaccredited nonpublic school, as defined in section 1 of this Act, and resides in the district. The parent, guardian, or other person in control of the child shall submit proof of the child's age at the time of participation in athletics, fine



arts, or activities. The participating child must be held to the same local training rules and South Dakota High School Activities Association transfer and non-academic eligibility rules as all other enrolled students.

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

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

- (1) Be a resident of this state;
- (2) Obtain a composite score or superscore of at least twenty-four on the ACT or a comparable score on the SAT, as determined by the Board of Regents;
- (3) Provide a transcript of completed coursework that is issued by the parent or guardian listed on the notification and includes:
  - (a) Four or more units of language arts, including:
    - (i) One and one-half units of writing;
    - (ii) One and one-half units of literature, one-half unit of which must be American literature;
    - (iii) One-half unit of speech or debate; and
    - (iv) One-half unit of a language arts elective;
  - (b) Three or more units of social studies, including:
    - (i) One unit of U.S. history;
    - (ii) One-half unit of U.S. government;
    - (iii) One-half unit of geography;
    - (iv) One-half unit of world history; and
    - (v) One-half unit of a social studies elective;
  - (c) Four units of mathematics, including:
    - (i) One unit of algebra I;
    - (ii) One unit of geometry;
    - (iii) One unit of algebra II; and
    - (iv) One unit of advanced math;
  - (d) Four units of science, at least three of which must be laboratory science, including:

- (i) One unit of biology;
- (ii) One unit of any physical science;
- (iii) One unit of chemistry or physics; and
- (iv) One unit of science electives;

(e) Two units of either of the following or a combination of the two:

- (i) Career and technical education; and
- (ii) World languages;

- (f) One-half unit of personal finance or economics;
- (g) One unit of fine arts;
- (h) One-half unit of physical education; and
- (i) One-half unit of health or health integration;

(4) Attend a university, college, or technical school that is accredited by the Higher Learning Commission and provides instruction from a campus located in this state; and

(5) Enter into the program:

(a) Within five years after the conclusion of the school year in which the student graduated from a nonaccredited nonpublic school, as defined in section 1 of this Act; or

(b) Within one year after the conclusion of the school year in which the student was discharged from active duty with the armed forces, provided the discharge occurred within five years after the conclusion of the school year in which the student graduated from a nonaccredited nonpublic school.

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

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

- (1) Any person, except as otherwise provide in subdivision (3), substantially performing the respective duties of any such the position in a public or private nonpublic school, whether accredited or unaccredited, and to any;
- (2) Any person providing instruction pursuant to § 13-27-3; and

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

On page 5, after line 21, of the Introduced bill, insert: "

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

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

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

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

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

Moved by: Baxter  
Second by: Garcia  
Action: Prevailed by voice vote

**MOTION: DO PASS HB 1020 AS AMENDED**

Moved by: Baxter  
Second by: Rice  
Action: Was not acted on.

**MOTION: SUBSTITUTE MOTION: DEFER HB 1020 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Heermann  
Second by: Uhre-Balk  
Action: Prevailed by Majority Members Elect (9-6-0-0)

Voting Yes: Arlint, DeGroot, Halverson, Heermann, Jordan, Stevens, Uhre-Balk, Jensen (Phil), and Greenfield

Voting No: Baxter, Garcia, Ismay, Manhart, Rice, and Schwans

**MOTION: ADJOURN**

Moved by: Jensen (Phil)  
Second by: Uhre-Balk  
Action: Prevailed by voice vote

James Sapp, Committee Secretary

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/s/ LANA J. GREENFIELD  
Lana J. Greenfield, Chair