

2025 South Dakota Legislature

Senate Bill 71**AMENDMENT 71B
FOR THE INTRODUCED BILL**

1 **An Act to revise provisions pertaining to the compulsory age for school attendance.**

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

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

4 ~~**13-27-1.** Any person having control of a child, who is not younger than five or~~
5 ~~older than six years old by the first day of September, or any child who, by the first day~~
6 ~~of September, is at least six years old, but who has not exceeded the age of eighteen,~~
7 ~~shall cause the child to regularly attend school, either public, nonpublic, or alternative~~
8 ~~instruction as set forth in § 13-27-3, until the child reaches the age of eighteen years,~~
9 ~~unless the child has graduated or is excused as provided in this chapter. However, the~~
10 ~~requirements of this section are met if a child who is at least sixteen years of age enrolls~~
11 ~~in a high school equivalency test preparation program and the child successfully completes~~
12 ~~the test or reaches the age of eighteen years.~~

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

17 ~~(1) Verification from a school administrator that the child will not graduate with the~~
18 ~~child's cohort class because of credit deficiency;~~

19 ~~(2) Authorization from a court services officer;~~

20 ~~(3) A court order requiring the child to enter the program;~~

21 ~~(4) Verification that the child is under the direction of the Department of Corrections;~~

22 ~~or~~

23 ~~(5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the~~
24 ~~Workforce Investment Act of 1998, as amended to January 1, 2009.~~

25 ~~Any child who is sixteen or seventeen years of age and who completes the high~~
26 ~~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~~ A parent, guardian, or other custodian of a child, who is at least five years old not younger than five or older than six by the first day of September, or any child who, by the first day of September, is at least six years old, shall cause the child to regularly attend a public or nonpublic school or receive alternative instruction, as set forth in § 13-27-3, until the child is eighteen years old, has graduated, or is excused or withdraws as provided in this chapter.

Each child 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.

Section 2. That a NEW SECTION be added to chapter 13-27:

A child may withdraw from attending a school at the age of seventeen if the child has the written consent of a parent, guardian, or other custodian. The school district shall keep the documentation presented pursuant to this section. The school district shall forward a copy of the documentation to the Department of Education within thirty days of receipt.

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

A child who is at least sixteen years old may enroll in a school-based or school-contracted high school equivalency test preparation program or take the high school equivalency test if the child presents:

- (1) The written consent of a parent, guardian, or other custodian;
- (2) Verification from a school administrator that the child will not graduate with the child's cohort class because of a credit deficiency;
- (3) Authorization from a court services officer;
- (4) A court order requiring the child to enter the program;
- (5) Verification that the child is under the direction of the Department of Corrections;
- or
- (6) Verification that the child is enrolled in Job Corps as authorized by 29 U.S.C. §§ 3191 to 3212, inclusive, (January 1, 2009).

1 Any child who is at least sixteen years old and who completes the high school
2 equivalency test preparation program may take a high school equivalency test
3 immediately following release from the school program or when ordered to take the test
4 by a court.

5 Any child who fails to successfully complete the test shall re-enroll in the school
6 district, unless the child has withdrawn from school pursuant to section 2 of this Act. Any
7 child who fails to successfully complete the test may continue the high school equivalency
8 preparation program or other suitable program as determined by the school district.

9 **Section 4. That § 13-27-15 be AMENDED:**

10 **13-27-15.** Each superintendent, or the president of the school board in districts
11 without a superintendent, is responsible for maintaining an accurate record of the
12 attendance of all ~~persons~~ individuals of compulsory school age who are enrolled in an
13 accredited school under ~~his or her~~ the supervision of the superintendent or president. The
14 superintendent or president shall, at regular intervals, report to the truancy officer the
15 ~~names of all~~ name of any enrolled ~~persons who are~~ individual who:

16 (1) Is of compulsory school age;

17 (2) Is not excused from school; ~~who do;~~

18 (3) Has not:

19 (a) Withdrawn from school, pursuant to section 2 of this Act; or

20 (b) Successfully completed a high school equivalency test, pursuant to section
21 3 of this Act; and

22 (4) Does not attend or ~~who irregularly attend~~ attends an accredited school ~~to the~~
23 ~~truancy officer.~~

24 The superintendent or president shall include reasons for the absences in the
25 report.

26 **Section 5. That § 13-27-18 be AMENDED:**

27 **13-27-18.** ~~Any~~ It is a Class 2 misdemeanor if:

28 (1) A superintendent or school board president ~~who~~ fails to make prompt reports on
29 attendance as required by law; ~~any person who harbors or employs a child of~~
30 ~~compulsory school age who is not legally excused during the school term or being~~
31 ~~provided alternative instruction pursuant to § 13-27-3; the~~

32 (2) The members of ~~any~~ a school board ~~who~~ neglect or refuse to provide school
33 facilities for children enrolled in their school district for at least nine months during

- 1 the school year, or neglect to perform any other duties enumerated under the
2 compulsory school attendance laws of this state; ~~any~~
3 (3) A truancy officer who neglects to perform the duties of his or her the office; or any
4 person who hampers or hinders;
5 (4) An individual:
6 (a) Harbors or employs a child of compulsory school age who is not legally
7 excused during the school term, has not withdrawn from the school
8 pursuant to section 2 of this Act, has not successfully completed a high
9 school equivalency test, pursuant to section 3 of this Act, or is not being
10 provided alternative instruction pursuant to § 13-27-3;
11 (b) Hinders or attempts to hinder a child of compulsory school age from
12 attending a the school in which the child is enrolled that meets all legal
13 requirements, or who interferes; or
14 (c) Interferes or attempts to interfere with the child's attendance at the school
15 in which the child is enrolled is guilty of a Class 2 misdemeanor.

16 **Section 6. That § 13-27-19 be AMENDED:**

17 **13-27-19.** ~~Each A~~ A truancy officer has the powers of a deputy sheriff in the exercise
18 of the officer's duties, and ~~shall may~~ may apprehend without warrant ~~children a child~~ a child of
19 compulsory school age who is absent themselves from the place ~~where the children are in~~
20 which the child is enrolled and required by law to attend without an excuse, and, unless
21 the child:

22 (1) Is excused;

23 (2) Has withdrawn from school, pursuant to section 2 of this Act; or

24 (3) Has successfully completed a high school equivalency test, pursuant to section 3
25 of this Act.

26 A truancy officer shall place the children child in the custody of the person individual
27 having charge of the place where the children are child is enrolled and by law required by
28 law to attend.

29 In the administration of the officer's duties, each truancy officer is subject to the
30 general supervisory control of the secretary of the Department of Education.

31 **Section 7. That § 13-27-16 be AMENDED:**

32 **13-27-16.** ~~Each school~~ The board of a school district shall warn a noncompliant
33 parents or persons in control of children parent, guardian, or other custodian of a child of

1 compulsory school age who has not been excused, withdrawn pursuant to section 2 of this
2 Act, or successfully completed a high school equivalency test pursuant to section 3 of this
3 Act, that the ~~children~~ child must enter school and attend regularly, ~~or enroll in a high~~
4 ~~school equivalency test preparation program in accordance with § 13-27-1, or comply with~~
5 ~~§ 13-27-3, and shall.~~

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