



2025 South Dakota Legislature
Senate Bill 71
ENROLLED

AN ACT

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

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

Section 1. That § 13-27-1 be AMENDED:

13-27-1. A parent, guardian, or other custodian of a child, who is 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 any one of the following:

- (1) The written consent of a parent, guardian, or other custodian;

- (2) Verification 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).

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 child who fails to successfully complete the test shall re-enroll in the school district, unless the child has withdrawn from school pursuant to section 2 of this Act.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

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

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

- (1) Is of compulsory school age;
- (2) Is not excused from school;
- (3) Has not:
 - (a) Withdrawn from school, pursuant to section 2 of this Act; or
 - (b) Successfully completed a high school equivalency test, pursuant to section 3 of this Act; and
- (4) Does not attend or irregularly attends an accredited school.

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

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

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

- (1) A superintendent or school board president fails to make prompt reports on attendance as required by law;
- (2) The members of a school board 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;
- (3) A truancy officer neglects to perform the duties of the office; or;
- (4) An individual:
 - (a) Harbors or employs a child of compulsory school age who is not legally excused during the school term, has not withdrawn from the school pursuant to section 2 of this Act, has not successfully completed a high school equivalency test, pursuant to section 3 of this Act, or is not being provided alternative instruction pursuant to § 13-27-3;
 - (b) Hinders or attempts to hinder a child of compulsory school age from attending the school in which the child is enrolled; or
 - (c) Interferes or attempts to interfere with the child's attendance at the school in which the child is enrolled.

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

13-27-19. A truancy officer has the powers of a deputy sheriff in the exercise of the officer's duties, and may apprehend without warrant a child of compulsory school age who is absent from the place in which the child is enrolled and required by law to attend, unless the child:

- (1) Is excused;
- (2) Has withdrawn from school, pursuant to section 2 of this Act; or
- (3) Has successfully completed a high school equivalency test, pursuant to section 3 of this Act.

A truancy officer shall place the child in the custody of the individual having charge of the place where the child is enrolled and required by law to attend.

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

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

13-27-16. The board of a school district shall warn a noncompliant parent, guardian, or other custodian of a child of compulsory school age who has not been excused, withdrawn pursuant to section 2 of this Act, or successfully completed a high school equivalency test pursuant to section 3 of this Act, that the child must enter school and attend regularly or comply with § 13-27-3.

The board must report the parents or persons in control of the 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.

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I certify that the attached Act originated in the:
Senate as Bill No. 71

Received at this Executive Office this ____ day of _____, 2025 at _____ M.

Secretary of the Senate

By _____ for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025 at _____ o'clock ___ M.

Chief Clerk

Secretary of State

Senate Bill No. 71
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State