



## 2026 South Dakota Legislature

# House Bill 1158

Introduced by: **Representative Goodwin**

1 **An Act to revise provisions pertaining to requirements for students receiving**  
 2 **alternative instruction.**

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

4 **Section 1. That § 13-3-55 be AMENDED:**

5 **13-3-55.** ~~Every public~~ A school district shall annually administer the same state-  
 6 designated academic achievement assessment to all students each student in grades three  
 7 to eight, inclusive, and in grade eleven. ~~The assessment shall measure the academic~~  
 8 ~~progress of each student. Every public school district shall annually administer to all~~  
 9 ~~students in at least two grade levels an achievement test to assess writing skills. The~~  
 10 ~~assessment instruments shall be provided by the Department of Education, and the~~  
 11 ~~department shall determine the two grade levels to be tested. The tests shall be~~  
 12 ~~administered within timelines established by the Department of Education by rules~~  
 13 ~~promulgated pursuant to chapter 1-26 starting in the spring of the 2002-2003 school year.~~  
 14 ~~Each state-designed test shall be correlated with the state's content standards.~~

15 The secretary of the Department of Education shall annually designate at least two  
 16 of these grade levels to take the writing skills achievement assessment provided by the  
 17 department. The assessments must measure the academic progress of each student and  
 18 must correspond to the state's content standards promulgated pursuant to § 13-3-48.

19 A student must take any academic achievement assessment administered by a  
 20 school district if the student:

- 21 (1) Is enrolled in the school district;  
 22 (2) Is at least partially enrolled in the school district pursuant to § 13-28-41; or  
 23 (3) Receives alternative instruction pursuant to § 13-27-3 and resides in the school  
 24 district.

25 For purposes of this section, a student is partially enrolled in a school district if the  
 26 student is enrolled in a number of courses through the school district, the time for which,

1 when averaged over the whole school year, equals at least fifty percent of the number of  
 2 hours in the school term, as established by the board of the school district pursuant to  
 3 § 13-26-1.

4 The South Dakota Board of Education Standards ~~may~~ shall promulgate rules,  
 5 pursuant to chapter 1-26, to provide for administration of ~~all the~~ assessments and  
 6 establish the timeline for the administration of the assessments each year.

7 **Section 2. That § 13-27-7 be AMENDED:**

8 **13-27-7.** Each notification of alternative instruction pursuant to § 13-27-3 ~~shall~~  
 9 ~~be on a standard form that declares~~ must declare that the child will be provided with  
 10 alternative instruction per § 13-27-3. The completed ~~form~~ notification must contain ~~the~~  
 11 ~~child's name, birthdate, resident district, and open enrolled district if applicable, signature~~  
 12 ~~of the parent, guardian, or other person having control of the child and information:~~

13 (1) The full legal name, birthdate, and resident school district of the child;

14 (2) The school district to which the child has open enrolled, if applicable;

15 (3) The signature of the child's parent, guardian, or other custodian; and

16 (4) Information required for the return of the form. ~~The~~

17 The notification must be on a form prescribed by the Department of Education. The  
 18 form prescribed by the department may not require more information than what is set  
 19 forth in this section.

20 The department or the ~~local~~ district shall provide the parent, guardian, or other  
 21 ~~person having control~~ custodian of the child with a signed or stamped copy of the  
 22 notification as proof of notification. The department or district shall keep the notification  
 23 ~~shall be kept~~ confidential. ~~The form shall be provided by the secretary of the Department~~  
 24 ~~of Education but may not require more details than set forth by this section.~~

25 ~~The notification shall be filed within thirty days from the first time the child begins~~  
 26 ~~an alternative instruction program while the child is of school age as defined in § 13-27-1~~  
 27 ~~and is not required thereafter unless one or more of the following transitions occur:~~

28 (1) ~~A child enrolls in a public or nonpublic school; or~~

29 (2) ~~A child moves to a different school district.~~

30 ~~The parent, guardian, or other person having control of the child shall provide~~  
 31 ~~notification of any transitions by submitting the standard notification form to the~~  
 32 ~~Department of Education or the local district within thirty days of the transition.~~

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

1           The parent, legal guardian, or other custodian of a child being provided with  
2 alternative instruction shall file a notification of alternative instruction, pursuant to § 13-27-  
3 7, by the following deadlines:

4 (1) Within thirty days of:

5           (a) The first time the child begins an alternative instruction program while the  
6 child is of school age, as defined in § 13-27-1;

7           (b) Any change in the child's resident school district;

8           (c) The child being excused from compulsory school attendance, as provided in  
9 this chapter; or

10           (d) The child being enrolled in a public or nonpublic school; and

11 (2) By September first of each school year the child is to be provided with alternative  
12 instruction, until the child has graduated, fully enrolls in a public or nonpublic  
13 school, or is otherwise excused from compulsory school attendance.

14 **Section 4. That § 13-3-84 be REPEALED.**

15           ~~If a student is partially enrolled in a school district pursuant to § 13-28-41 or 13-~~  
16 ~~28-51, and the student's enrollment is equal to or greater than fifty percent, that student~~  
17 ~~is required to take any academic achievement test administered by the school district~~  
18 ~~pursuant to § 13-3-55. If a student's partial enrollment in a school district is less than fifty~~  
19 ~~percent, the student is not required to take any academic achievement test administered~~  
20 ~~by the school district pursuant to § 13-3-55.~~