



2026 South Dakota Legislature

House Bill 1282

Introduced by: **Representative Rice**

1 **An Act to provide for the admission of certain children younger than five years old**
 2 **to the kindergarten program of a school district.**

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

4 **Section 1. That a NEW SECTION be added to chapter 13-27:**

5 The board of a school district may adopt a policy that allows for the admission of a
 6 child younger than five to the district's kindergarten program if the child:

7 (1) Is to turn five after September first and before December first of the year the child
 8 is admitted to the kindergarten program; and

9 (2) Demonstrates the cognitive and social skills necessary to meet the kindergarten
 10 standards and progress to first grade the following year.

11 Any policy adopted by the board pursuant to this section must describe the process
 12 and the procedures by which the district evaluates a child's cognitive and social skills.

13 **Section 2. That a NEW SECTION be added to chapter 13-28:**

14 The parent or guardian of a child younger than five may apply, pursuant to § 13-
 15 28-43, to enroll the child in a school district other than the child's resident district if the
 16 child's resident district has not adopted a policy allowing for the admission of children
 17 younger than five to the district's kindergarten program pursuant to section 1 of this Act.

18 **Section 3. That § 13-28-41 be AMENDED:**

19 ~~**13-28-41.** A school district shall grant a request for a transfer into the district or~~
 20 ~~within the district unless the transfer would result in an inability to provide a quality~~
 21 ~~educational program based on criteria established by the district pursuant to § 13-28-44.~~

22 ~~In addition, a school district shall grant a request to admit into the district a child~~
 23 ~~who is a resident of another school district and who is excused from attending school in~~
 24 ~~the resident district pursuant to § 13-27-2, or is a child provided with alternative~~

1 ~~instruction pursuant to § 13-27-3, unless admitting the nonresident child would result in~~
2 ~~an inability to provide a quality educational program based on criteria established by the~~
3 ~~district pursuant to § 13-28-44.~~

4 A school district must grant the application of a parent or guardian to transfer a
5 child under the control of the parent or guardian into the district or within the district if
6 admitting the child does not result in the district's inability to provide a quality educational
7 program based on the criteria established by the district pursuant to § 13-28-44, and the
8 child is:

- 9 (1) Excused from attending school in the child's resident district pursuant to § 13-27-
10 2;
11 (2) Provided with alternative instruction pursuant to § 13-27-3; or
12 (3) Admitted to the school district's kindergarten program under the policy adopted by
13 the board of the school district pursuant to section 1 of this Act.