

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0254

## HOUSE BILL NO. 1013

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding alternative instruction  
2 achievement tests for children excused from school attendance.

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

4 Section 1. That § 13-27-3 be amended to read:

5 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because  
6 the child is otherwise provided with alternative instruction for an equivalent period of time, as  
7 in the public schools, in the basic skills of language arts and mathematics. The parent or  
8 guardian of the child shall identify in the application the place where the child will be instructed  
9 and any individual who will instruct the child. The ~~individuals are~~ individual is not required to  
10 be certified. The secretary of the Department of Education may investigate and determine  
11 whether the instruction is being provided. Failure to provide instruction is grounds for the  
12 school board, upon thirty days' notice, to revoke the excuse from school attendance. The  
13 secretary of the Department of Education may inspect the records of an alternative education  
14 program with fourteen days' written notice if the secretary has probable cause to believe the  
15 program is not in compliance with this section. The records to be inspected are limited to



1 attendance and evidence showing academic progress.

2 No individual may instruct more than twenty-two children. All instructions shall be given  
3 so as to lead to a mastery of the English language. Children receiving alternative instruction who  
4 are in grades ~~two~~, four, eight, and eleven shall take a nationally standardized achievement test  
5 of the basic skills. The test may be the test provided by the state and used in the public school  
6 district where the child is instructed or another nationally standardized achievement test chosen  
7 by and provided at the expense of the child's parent, guardian, or school giving alternative  
8 instruction. The test may be monitored by the local school district where the child is instructed.