

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

337Z0683

## HOUSE BILL NO. 1256

Introduced by: Representatives Kaiser, Brunner, Campbell, Dennert, DiSanto, Frye-Mueller, Goodwin, Howard, Jensen (Kevin), Latterell, Livermont, Marty, May, and Pischke and Senators Jensen (Phil), Monroe, Nelson, and Netherton

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the age at which  
2 children shall begin school.

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

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

5 13-27-1. Any person ~~having~~ who has control of a child; who is not younger than ~~five or~~  
6 seven nor older than ~~six~~ eight years old by the first day of September, or ~~any~~ a child who, by the  
7 first day of September, is at least ~~six~~ seven years old, but who has not exceeded the age of  
8 eighteen, shall cause the child to regularly attend some public or nonpublic school for the entire  
9 term during which the public school in the district in which the person resides, or the school to  
10 which the child is assigned to attend, is in session, until the child reaches the age of eighteen  
11 years, unless the child has graduated or is excused as provided in this chapter. However, the  
12 requirements of this section are met if a child who is at least sixteen years of age enrolls in a  
13 high school equivalency test preparation program that is school-based or for which a school  
14 contracts and the child successfully completes the test or reaches the age of eighteen years.



1 A child is eligible to enroll in a school-based or school-contracted high school equivalency  
2 test preparation program or take the high school equivalency test if the child is sixteen or  
3 seventeen years of age, and the child presents written permission from the child's parent or  
4 guardian and one of the following:

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

7 (2) Authorization from a court services officer;

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

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

10 or

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

13 Any child who is sixteen or seventeen years of age and who completes the high school  
14 equivalency test preparation program may take a high school equivalency test immediately  
15 following release from the school program or when ordered to take the test by a court. Any such  
16 child who fails to successfully complete the test shall re-enroll in the school district and may  
17 continue the high school equivalency preparation program or other suitable program as  
18 determined by the school district.

19 All children shall attend kindergarten prior to age ~~seven~~ nine. Any child who transfers from  
20 another state may proceed in a continuous educational program without interruption if the child  
21 has not previously attended kindergarten.