

## 2020 South Dakota Legislature

**House Bill 1174****AMENDMENT 1174A FOR THE INTRODUCED BILL**

1 **An Act to establish the date of kindergarten enrollment eligibility.**

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

3 **Section 1.** That § 13-27-1 be AMENDED:

4 **13-27-1. Person controlling child--School attendance--High school**  
5 **equivalency--Kindergarten--Transfer from another state.**

6 Any person having control of a child, who is not younger than five or older than six  
7 years old by the first day of ~~September~~ August, or any child who, by the first day of  
8 ~~September~~ August, is at least six years old, but who has not exceeded the age of eighteen,  
9 shall cause the child to regularly attend some public or nonpublic school for the entire  
10 term during which the public school in the district in which the person resides, or the  
11 school to which the child is assigned to attend, is in session, until the child reaches the  
12 age of eighteen years, unless the child has graduated or is excused as provided in this  
13 chapter. However, the requirements of this section are met if a child who is at least sixteen  
14 years of age enrolls in a high school equivalency test preparation program that is school-  
15 based or for which a school contracts and the child successfully completes the test or  
16 reaches the age of eighteen years.

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

- 21 (1) Verification from a school administrator that the child will not graduate with the  
22 child's cohort class because of credit deficiency;
- 23 (2) Authorization from a court services officer;
- 24 (3) A court order requiring the child to enter the program;
- 25 (4) Verification that the child is under the direction of the Department of Corrections;

26 or

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

3 Any child who is sixteen or seventeen years of age and who completes the high school  
4 equivalency test preparation program may take a high school equivalency test  
5 immediately following release from the school program or when ordered to take the test  
6 by a court. Any such child who fails to successfully complete the test shall re-enroll in the  
7 school district and may continue the high school equivalency preparation program or other  
8 suitable program as determined by the school district.

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

12 **Section 2.** That § 13-28-2 be AMENDED:

13 **13-28-2. Kindergarten enrollment eligibility--Transfer from another state.**

14 Any child who is five years old on the first day of ~~September~~August is eligible for  
15 enrollment in kindergarten during that school year. Any child who transfers from another  
16 state may proceed in a continuous educational program without interruption.

17 **Section 3.** That a NEW SECTION be added:

18 **Effective date.**

19 This Act is effective on July 31, 2022.