

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

938M0445

## CONFERENCE COMMITTEE ENGROSSED NO. **HB** **1175** - 02/28/2006

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives McLaughlin, Elliott, Frost, Hanks, Hennies, Hills, McCoy, Roberts, Schafer, Thompson, and Van Etten and Senators Adelstein, Dempster, Gant, Gray, Hundstad, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to require all children to attend kindergarten and to  
2 establish a minimum length of time for kindergarten programs.

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

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

5 13-27-1. Every person having control of a child, who is ~~six~~ not younger than five or older  
6 than six years old by the first day of September and who has not exceeded the age of sixteen,  
7 shall cause the child to regularly ~~and annually~~ attend some public or nonpublic school for the  
8 entire term during which the public school in the district in which the person resides, or the  
9 school to which the child is assigned to attend, is in session, until the child reaches the age of  
10 sixteen years, unless excused as provided in this chapter.

11 ~~— Any child under age six enrolled in any elementary school or kindergarten program is~~  
12 ~~subject to the compulsory attendance statutes of this state. A waiver of the compulsory~~  
13 ~~attendance requirement for children under the age of seven years of age shall be granted by the~~



1 ~~school district upon the request of the parents.~~ All children shall attend kindergarten prior to age  
2 seven. Any child who transfers from another state may proceed in a continuous educational  
3 program without interruption if the child has not previously attended kindergarten.

4 Section 2. That § 13-26-1 be amended to read as follows:

5 13-26-1. The school fiscal year shall begin July first and end June thirtieth. Each local  
6 school board shall set the number of days in a school term, the length of a school day, and the  
7 number of school days in a school week. The local school board or governing body shall  
8 establish the number of hours in the school term for kindergarten programs, which may not be  
9 less than four hundred thirty-seven and one-half hours. The Board of Education shall  
10 promulgate rules pursuant to chapter 1-26 setting the minimum number of hours in the school  
11 term for grades one through three. The number of hours in the school term for grades four  
12 through twelve may not be less than nine hundred sixty-two and one-half hours, exclusive of  
13 intermissions. An intermission is the time when pupils are at recess or lunch.

14 Section 3. That § 13-28-2 be amended to read as follows:

15 13-28-2. Any child who is five years old on the first day of September is eligible for  
16 enrollment in kindergarten during that school year. ~~Any child who is six years old by September~~  
17 ~~first is eligible for enrollment in first grade during that school year.~~ Any child in a kindergarten  
18 or prekindergarten program who was in compliance with the statutory eligibility dates in effect  
19 at the time of his enrollment may proceed in a continuous educational program without  
20 interruption. Any child who transfers from another state may proceed in a continuous  
21 educational program without interruption.

22 Any child under the age of five is eligible for admittance to a nursery school.

23 Section 4. This Act is effective on July 1, 2010.