

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

893N0703

HOUSE BILL NO. 1266

Introduced by: Representatives Brunner, Buckingham, DeVries, Hackl, Heineman, Howie, Hunt, Novstrup (Al), and Novstrup (David) and Senators Napoli and Lintz

1 FOR AN ACT ENTITLED, An Act to allow a home school student to partially enroll in the
2 student's resident school district or in another school district under certain circumstances.

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

4 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The resident school district of a child excused from school attendance pursuant to § 13-27-2
7 shall admit that child to a public school in the district upon request from the child's parent or
8 legal guardian. However, this requirement may be waived if the school district files an
9 application with the secretary of education stating the reasons why the child cannot be enrolled,
10 and the waiver is granted. A child enrolled in a school district pursuant to this section may be
11 enrolled in a school of the school district on only a partial basis and shall continue to also
12 receive alternative instruction pursuant to § 13-27-3.

13 The secretary of education shall promulgate rules pursuant to chapter 1-26 to establish the
14 waiver application process and the standards for granting waivers.

15 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 For purposes of state aid to education, a student enrolled pursuant to this Act shall be
3 counted in a school's average daily membership as defined in subdivision 13-13-10.1(1) in a
4 proportion equal to the share of the student's enrollment in the school.

5 Section 3. That § 13-28-41 be amended to read as follows:

6 13-28-41. A school district shall grant a request for a transfer into the district or within the
7 district unless the transfer would result in an inability to provide a quality educational program
8 based on criteria established by the district pursuant to § 13-28-44.

9 In addition, a school district shall grant a request to admit into the district a child who is a
10 resident of another school district and who is excused from attending school in the resident
11 district pursuant to § 13-27-2 unless the admittance would result in an inability to provide a
12 quality educational program based on criteria established by the district pursuant to § 13-28-44.
13 Any such admittance, however, may only include enrollment in the new district on a partial
14 basis, and the child shall also receive alternative instruction pursuant to § 13-27-3.