

AN ACT

ENTITLED, An Act to allow a home school student to partially enroll in the student's resident school district or in another school district under certain circumstances and to clarify certain testing requirements for students who are partially enrolled.

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

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

The resident school district of a child excused from school attendance pursuant to § 13-27-2 shall admit that child to a public school in the district upon request from the child's parent or legal guardian. A child enrolled in a school district pursuant to this section may be enrolled in a school of the school district on only a partial basis and shall continue to also receive alternative instruction pursuant to § 13-27-3.

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

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

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

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

In addition, a school district shall grant a request to admit into the district a child who is a resident of another school district and who is excused from attending school in the resident district pursuant to § 13-27-2, unless admitting the nonresident child would result in an inability to provide

a quality educational program based on criteria established by the district pursuant to § 13-28-44.

Section 4. If a student is partially enrolled in a school district pursuant to this Act, and the student's enrollment is equal to or greater than fifty percent, that student is required to take any academic achievement test administered by the school district pursuant to § 13-3-55. If a student's partial enrollment in a school district is less than fifty percent, the student is not required to take any academic achievement test administered by the school district pursuant to § 13-3-55.

An Act to allow a home school student to partially enroll in the student's resident school district or in another school district under certain circumstances and to clarify certain testing requirements for students who are partially enrolled.

\_\_\_\_\_  
I certify that the attached Act  
originated in the  
  
HOUSE as Bill No. 1266  
  
\_\_\_\_\_  
Chief Clerk  
\_\_\_\_\_

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1266  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,  
  
20\_\_\_\_ at \_\_\_\_\_ M.  
  
By \_\_\_\_\_  
for the Governor  
\_\_\_\_\_

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
\_\_\_\_\_  
STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State  
  
By \_\_\_\_\_  
Asst. Secretary of State