

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0350

HOUSE BILL NO. 1065

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding assessments for
2 children receiving alternative instruction.

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

4 Section 1. That § 13-27-3 be amended to read:

5 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because
6 the child is otherwise provided with alternative instruction for an equivalent period of time, as
7 in the public schools, in the basic skills of language arts and mathematics. The parent or
8 guardian of the child shall identify in the notification the place where the child will be instructed
9 and any person who will instruct the child. The person is not required to be certified. The
10 secretary of the Department of Education may investigate and determine whether the instruction
11 is being provided. Failure to provide instruction is grounds for the school board, upon thirty
12 days' notice, to revoke the excuse from school attendance. The secretary of the Department of
13 Education may inspect the records of an alternative education program with fourteen days'
14 written notice if the secretary has probable cause to believe the program is not in compliance
15 with this section. The records to be inspected are limited to attendance and evidence showing



1 academic progress.

2 No person may instruct more than twenty-two children. All instructions shall be given so
3 as to lead to a mastery of the English language. ~~Each child receiving alternative instruction who~~
4 ~~is in grades four, eight, or eleven shall take a nationally standardized achievement test of the~~
5 ~~basic skills. The test may be the test provided by the state and used in the public school district~~
6 ~~where the child is instructed or another nationally standardized achievement test chosen by and~~
7 ~~provided at the expense of the child's parent, guardian, or school giving alternative instruction.~~
8 ~~The test may be monitored by the local school district where the child is instructed.~~