

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

733Q0531

SENATE BILL NO. 126

Introduced by: Senators Knudson, Adelstein, Bradford, Brown, Fryslie, Gant, Gray, Hansen (Tom), Haverly, Howie, Hunhoff (Jean), Jerstad, Merchant, Schmidt, Tieszen, Turbak Berry, and Vehle and Representatives Sly, Hamiel, Killer, Lange, Lucas, McLaughlin, Romkema, Sorenson, Steele, Vanderlinde, and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding school attendance.

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

3 Section 1. That section 1 of chapter 98 of the 2007 Session Laws be repealed.

4 Section 2. That section 2 of chapter 98 of the 2007 Session Laws be repealed.

5 Section 3. That § 13-27-1 be amended to read as follows:

6 13-27-1. ~~Every~~ Any person having control of a child, who is six years old by the first day
7 of September and who has not exceeded the age of eighteen, shall cause the child to regularly
8 and annually attend some public or nonpublic school for the entire term during which the public
9 school in the district in which the person resides, or the school to which the child is assigned
10 to attend, is in session, until the child reaches the age of eighteen years, unless the child has
11 graduated or is excused as provided in this chapter. However, the requirements of this section
12 are met if a child who is at least sixteen years of age and who is enrolled in a recognized
13 graduate equivalency degree program regularly attends the program until completion or reaching



1 the age of eighteen. Any student who transfers to a graduate equivalency degree program is
2 considered a transfer student.

3 Any child under age six enrolled in any elementary school or kindergarten program is
4 subject to the compulsory attendance statutes of this state. A waiver of the compulsory
5 attendance requirement for children under the age of seven years of age shall be granted by the
6 school district upon the request of the parents.

7 Section 4. That section 1 of chapter 80 of the 2006 Session Laws be repealed.

8 Section 5. That § 13-27-1 be amended to read as follows:

9 13-27-1. ~~Every~~ Any person having control of a child, who is not younger than five or older
10 than six years old by the first day of September and who has not exceeded the age of eighteen,
11 shall cause the child to regularly and annually attend some public or nonpublic school for the
12 entire term during which the public school in the district in which the person resides, or the
13 school to which the child is assigned to attend, is in session, until the child reaches the age of
14 eighteen years, unless the child has graduated or is excused as provided in this chapter.
15 However, the requirements of this section are met if a child who is at least sixteen years of age
16 and who is enrolled in a recognized graduate equivalency degree program regularly attends the
17 program until completion or reaching the age of eighteen. Any student who transfers to a
18 graduate equivalency degree program is considered a transfer student.

19 ~~Any child under age six enrolled in any elementary school or kindergarten program is~~
20 ~~subject to the compulsory attendance statutes of this state. A waiver of the compulsory~~
21 ~~attendance requirement for children under the age of seven years of age shall be granted by the~~
22 ~~school district upon the request of the parents. All children shall attend kindergarten prior to age~~
23 ~~seven. Any child who transfers from another state may proceed in a continuous educational~~
24 ~~program without interruption if the child has not previously attended kindergarten.~~

1 Section 6. The provisions of section 5 of this Act are effective July 1, 2010.