

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0293

HOUSE BILL NO. 1005

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the excuse from
2 attendance of children receiving alternative instruction.

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

4 Section 1. That § 13-27-7 be amended to read as follows:

5 13-27-7. All applications for excuse from school attendance for the reasons provided in
6 § 13-27-3 shall be on a standard form acknowledged before a notary or two witnesses. The form
7 shall be provided by the secretary of the Department of Education. ~~If the application is granted,~~
8 ~~a~~ A certificate of excuse ~~also provided by the secretary of the Department of Education~~ shall be
9 ~~issued by the president of the school board having jurisdiction over the district in which the~~
10 ~~child has school residence~~ included as part of the application and is effective upon the filing of
11 the application, without the necessity of school board action, subject to revocation thereafter as
12 provided in this chapter. The certificate of excuse shall be for a period not to exceed one year
13 and shall state the reason for the excuse is that the child will receive alternative instruction.
14 Upon a showing by the secretary of the Department of Education that a child excused from
15 school attendance pursuant to § 13-27-3 is not being instructed in compliance with § 13-27-3,



1 the school board may immediately revoke the child's certificate of excuse.

2 All test scores required by § 13-27-3 shall be kept on file in the public school of the district
3 where the child has school residence as defined in § 13-28-9. If subsequent achievement test
4 results reveal less than satisfactory academic progress in the child's level of achievement, the
5 school board may refuse to renew the child's certificate of excuse.

6 Section 2. That § 13-27-8 be amended to read as follows:

7 13-27-8. Any parent or guardian of a student denied a certificate pursuant to §§ 13-27-6 and
8 ~~13-27-6.1~~ an excuse from attendance pursuant to this chapter or who has had a certificate
9 revoked pursuant to § 13-27-7 ~~who is dissatisfied with the decision of the school board~~ may
10 appeal the matter to the South Dakota Board of Education who shall conduct a hearing pursuant
11 to chapter 1-26. ~~In the hearing the burden of proving noncompliance with § 13-27-3 shall be~~
12 ~~upon the secretary of the Department of Education. The state board's decision shall be final as~~
13 ~~to the secretary's right of appeal~~ as provided in chapter 13-46.

14 Section 3. That § 13-27-9 be amended to read as follows:

15 13-27-9. A permanent record of all certificates of excuse shall be kept in some safe place
16 as determined by the school board. Any certificate of excuse of a pupil receiving alternative
17 instruction pursuant to § 13-27-3 ~~shall be kept~~ is confidential after approval of the school board
18 ~~pursuant to § 13-27-2~~. Copies of any certificate of excuse shall be forwarded to the secretary of
19 the Department of Education. Copies of any certificates of excuse shall also be forwarded to the
20 place where the child is instructed. The copies shall be forwarded within thirty days of issuance.