

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

282L0015

## SENATE BILL NO. 101

Introduced by: Senators Kloucek and Napoli and Representatives Jensen, Fryslic, and Kroger

1 FOR AN ACT ENTITLED, An Act to establish the opening day of the school term.

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

3 Section 1. That § 13-26-2 be amended to read as follows:

4 13-26-2. The school board or governing body shall operate kindergarten through grade  
5 twelve in its schools. The school board shall operate grades one through twelve for at least a  
6 nine-month regular term in any one school year, and the number of hours in a school term for  
7 kindergarten shall be set pursuant to § 13-26-1. The regular school term shall begin on the first  
8 Tuesday following the first Monday in September and may be conducted on a year-round basis  
9 ~~and shall begin on a date established by the school board~~. The Board of Education shall  
10 promulgate rules pursuant to chapter 1-26 governing the operation and scheduling of year-round  
11 schools. Any school board or governing body may release graduating high school seniors from  
12 school before the end of the regular term. Make up time for school closing because of weather,  
13 disease, or emergency need not exceed ten school days. Graduating seniors are excused from  
14 make up time if the make up time occurs after the students have graduated or after graduation  
15 exercises have been held. If classes have been convened and then are dismissed, or if classes  
16 convene at a time later in the day than normal, because of inclement weather, that day



1 constitutes a school day in session equal to the number of hours planned for that day as  
2 established in the local school district calendar for the year.

3 School boards are encouraged to provide time within the regular school term for curriculum  
4 and staff development which shall be in addition to the time required in this section. Each  
5 school board shall determine the appropriate amount of time for this activity and how best to  
6 use the time based on local needs for program development, increased parent participation,  
7 student contact, teachers' preparation, or other needs of the schools in the district. School is in  
8 session only when classes are held and as provided in §§ 13-26-4 and 13-26-4.1. A school board  
9 may operate a special term during the summer months.

10 Section 2. That § 13-26-9 be repealed.

11 ~~13-26-9. A decision by a school board to schedule the opening day of classes before the first~~  
12 ~~Tuesday following the first Monday in September may be referred to a vote of the qualified~~  
13 ~~voters of the school district by the filing of a petition signed by five percent of the registered~~  
14 ~~voters in the school district, based upon the total number of registered voters at the last~~  
15 ~~preceding general election. The board in scheduling the opening day of classes shall allow~~  
16 ~~sufficient time for the referendum process authorized in this section.~~

17 Section 3. That chapter 13-26 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 A nonpublic elementary or secondary school, an elementary or secondary school operated  
20 by the federal government or an agency of the federal government, or a school district that  
21 operates cooperatively or under a contract with an agency of the federal government for a  
22 portion or all of its educational program located within the exterior boundaries of an Indian  
23 reservation may begin its school term before the first Tuesday following the first Monday in  
24 September, notwithstanding the provisions of §§ 13-26-2 and 13-26-9. If the school is

1 voluntarily complying with state accreditation standards, the school may not lose its  
2 accreditation because the school term begins before the date set in §§ 13-26-2 and 13-26-9.

3 Section 4. That § 13-26-10 be repealed.

4 ~~— 13-26-10. A petition to refer a school board decision may be filed with the business manager  
5 of the school district within twenty days after its publication. The filing of the petition shall  
6 require the submission of the decision to a vote of the qualified voters of the school district for  
7 its rejection or approval.~~

8 Section 5. That § 13-26-11 be repealed.

9 ~~— 13-26-11. The petition shall contain the school board decision regarding the opening day of  
10 classes and the date of its passage.~~

11 Section 6. That § 13-26-12 be repealed.

12 ~~— 13-26-12. Voters signing a referendum petition under § 13-26-9 shall comply with the same  
13 requirements provided for counties under § 7-18A-11, and the petition shall be verified in the  
14 same manner as provided for counties in § 7-18A-12.~~

15 Section 7. That § 13-26-13 be repealed.

16 ~~— 13-26-13. The election shall be held with the regular school district election.~~

17 Section 8. That § 13-26-14 be repealed.

18 ~~— 13-26-14. The business manager of the school district shall have the entire referred decision  
19 published once a week for two successive weeks immediately preceding the election. The  
20 publication shall include a notice stating the date of election.~~

21 Section 9. That § 13-26-15 be repealed.

22 ~~— 13-26-15. The business manager of the school district shall have ballots printed for the vote  
23 upon the referred school board decision and have them distributed as other official ballots are  
24 distributed. Such ballots shall conform as near as may be to the law governing the submission~~

1 of questions by the Legislature, except that the statement required to be printed on the ballots  
2 shall be prepared by the state's attorney. All questions to be voted upon at the same election may  
3 be submitted upon the same ballot.

4 Section 10. That § 13-26-16 be repealed.

5 ~~— 13-26-16. No referred school board decision regarding the opening day of classes shall~~  
6 ~~become operative unless approved by a majority of the votes cast for or against the same. If~~  
7 ~~approved, the decision shall take effect upon completion of the canvass of the election returns~~  
8 ~~relating thereto. If the decision of the school board to begin classes before the first Tuesday~~  
9 ~~following the first Monday in September is rejected by the voters, the board shall select a date~~  
10 ~~on or after the first Tuesday following the first Monday in September as the opening day of~~  
11 ~~classes.~~

12 Section 11. That § 13-26-17 be repealed.

13 ~~— 13-26-17. If a school board authorizes year-round school pursuant to § 13-26-2, the school~~  
14 ~~board's decision to schedule the opening day of classes before the first Tuesday following the~~  
15 ~~first Monday in September may be referred to a vote of the qualified voters pursuant to § 13-26-~~  
16 ~~9. If the decision to schedule the opening day is not referred, or if the referendum is rejected by~~  
17 ~~the qualified voters, the decision shall remain in effect and is not subject to further referendum~~  
18 ~~pursuant to § 13-26-9 for the subsequent consecutive years that the year-round school plan is~~  
19 ~~implemented by the school board.~~