

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

794M0372

SENATE BILL NO. 110

Introduced by: Senators Knudson, Koskan, Moore, and Sutton (Dan) and Representatives Cutler, Deadrick, Gillespie, Haley, Hargens, Hennies, McLaughlin, Pederson (Gordon), Rounds, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require a court to determine whether a child is granted
2 an excuse from school attendance under certain circumstances.

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

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

5 13-27-1. Every person having control of a child who is six years old by the first day of
6 September and who has not exceeded the age of sixteen, shall cause the child to regularly and
7 annually attend some public or nonpublic school for the entire term during which the public
8 school in the district in which the person resides, or the school to which the child is assigned
9 to attend, is in session, until the child reaches the age of sixteen years, unless excused as
10 provided in this chapter.

11 Any child under age six enrolled in any elementary school or kindergarten program is
12 subject to the compulsory attendance statutes of this state. A waiver of the compulsory
13 attendance requirement for children under the age of seven years of age shall be granted by the
14 school district upon the request of the parents. However, if the child is subject to a pending
15 truancy petition or the child's parent or guardian is being prosecuted for failure to send the child



1 to school under § 13-27-11, the application for a waiver of the compulsory attendance
2 requirement pursuant to § 13-27-2 shall instead be referred for final determination to the court
3 having jurisdiction over the truancy petition or prosecution.

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

5 13-27-2. Upon receipt of an application from the parent or guardian of the child for the
6 reasons set forth in § 13-27-3, school boards of all school districts shall excuse a child from
7 school attendance in executive session using a case number. However, if the child is subject to
8 a pending truancy petition or the child's parent or guardian is being prosecuted for failure to send
9 a child to school under § 13-27-11, the application for a waiver of the compulsory attendance
10 requirement shall instead be referred for final determination to the court having jurisdiction over
11 the truancy petition or prosecution. School boards of all school districts may excuse a child from
12 public school attendance for the reasons set forth in §§ 13-27-6 and 13-27-6.1.