

COMPULSORY ATTENDANCE AGES

Under South Dakota law, children between the ages of six (6) and eighteen (18) are of compulsory school age. It is the responsibility of every person having under their control a child between those ages to see to the child's regular attendance at a public or nonpublic school until the child has reached the age of eighteen (18), unless the child has graduated or is excused.

All children shall attend kindergarten prior to age six (6). Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

Any person who does not see to the school attendance of a child in their care will be guilty of a misdemeanor and if convicted, will be subject to a fine as established by law.

No student will be denied the right of attending school without due process of law.

GED Exemption

Students aged sixteen (16) years of age or older will be exempt from compulsory attendance provided they are enrolled and participating in a school-based or school-contracted Graduate Equivalency Degree program and meets one (1) or more of the following five (5) conditions:

1. Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
2. Authorization from a court services officer;
3. A court order requiring the child to enter the program;
4. Verification that the child is under the direction of the Department of Corrections; or
5. Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Parents or guardians of the child must also give written consent to the GED exemption.

Established by law

LEGAL REFS.: SDCL 13-27-1; 13-27-2; 13-27-11; 13-27-12; 13-27-16
13-32-4.1

CROSS REF.: JEG, Exclusions and Exemptions from School Attendance

Note: SDCL 13-27-1 will require children ages not younger than five (5) or older than six (6) as of September 1, 2010 to be enrolled in some public or nonpublic kindergarten program.

Adoption date: January 11, 2010