

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The law provides for the exemption of students of compulsory school age from attendance when the child is provided with competent alternative instruction for a like period of time as would be provided by the public schools in the basic skills of language arts and mathematics.

The parent or guardian of the child shall identify in the application the place where the child shall be instructed and the individual or individuals who will instruct the child. The individuals are not required to be certified, but the secretary of the department of education and cultural affairs may investigate and determine if the instruction is being provided by a competent person. Failure to provide instruction by a competent person shall be grounds for the school board, upon thirty days notice, to revoke the excuse from school attendance.

The child shall annually take a nationally standardized achievement test of the basic skills. The test shall be the same test designated to be used in the school district and may be monitored by a designee from the school district. The test will be provided by the school district. All test scores required by law will be kept on file in the district. If subsequent achievement tests reveal less than satisfactory academic progress in the child's level of achievement, the board may refuse to renew the child's certificate of excuse.

All applications for excuse from school attendance shall be on a standard form acknowledged before a notary or two witnesses. If the application is granted, a certificate of excuse, provided by the secretary of the department of education and cultural affairs, shall be issued by the president of the school board. The certificate of excuse shall be for a period not to exceed one year and shall state the reason for the excuse is that the child will receive alternative instruction.

Upon revocation or denial of a certificate of alternative instruction, the parent or legal guardian may appeal the decision to the State Board of Education, which will conduct a hearing. The state board's decision will be final.

LEGAL REFS: SDCL 13-4-6
13-27-3; 13-27-7; 13-27-8

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