**A** **BILL**

TO AMEND SECTION 59‑65‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING THE COMPULSORY AGE FOR ATTENDING SCHOOL, SO AS TO CHANGE THE AGE FROM SEVENTEEN TO EIGHTEEN; AND TO AMEND SECTION 59‑65‑30, AS AMENDED, RELATING TO EXCEPTIONS TO THE COMPULSORY AGE, SO AS TO MAKE CONFORMING CHANGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑65‑10(A) of the 1976 Code, as last amended by Act 163 of 2012, is further amended to read:

“(A) A parent or guardian shall require his child to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education, a member school of the South Carolina Independent Schools’ Association, a member school of the South Carolina Association of Christian Schools, or some similar organization, or a parochial, denominational, or church‑related school, or other programs which have been approved by the State Board of Education from the school year in which the child is five years of age before September first until the child attains his ~~seventeenth~~ eighteenth birthday or graduates from high school. A parent or guardian whose child is not six years of age on or before the first day of September of a particular school year may elect for their child or ward not to attend kindergarten. For this purpose, the parent or guardian shall sign a written document making the election with the governing body of the school district in which the parent or guardian resides. The form of this written document must be prescribed by regulation of the Department of Education. Upon the written election being executed, that child is not required to attend kindergarten.”

SECTION 2. Section 59‑65‑30 of the 1976 Code, as last amended by Act 163 of 2012, is further amended to read:

“Section 59‑65‑30. The provisions of this article do not apply to:

(~~a~~1) A child who has graduated from high school or has received the equivalent of a high school education from a school approved by the State Board of Education, member school of South Carolina Independent Schools’ Association, a private school in existence at the time of the passage of this article, or a member school of the South Carolina Association of Christian Schools;

(~~b~~2) A child who obtains a certificate from a psychologist certified by the State Department of Education or from a licensed physician stating that he is unable to attend school because of a physical or mental disability, provided there are no suitable special classes available for such child in the school district where he resides;

(~~c~~3) A child who has completed the eighth grade and who is determined by the court to be legally and gainfully employed whose employment is further determined by such court to be necessary for the maintenance of his home;

(~~d~~4) [Reserved]

(~~e~~5) A student who has a child and who is granted a temporary waiver from attendance by the district’s attendance supervisor or his designee. The district attendance supervisor may grant a temporary waiver only if he determines that suitable day care is unavailable. The student must consult with the district supervisor or his designee in a timely manner to consider all available day care options or the district shall consider the student to be in violation of this chapter.

(~~f~~6) A child who has reached the age of sixteen years and whose further attendance in school, vocational school, or available special classes is determined by a court of competent jurisdiction to be disruptive to the educational program of the school, unproductive of further learning, or not in the best interest of the child, and who is authorized by the court to enter into suitable gainful employment under the supervision of the court until age ~~seventeen~~ eighteen is attained. However, prior to being exempted from the provisions of this article, the court may first require that the child concerned be examined physically and tested mentally to assist the court to determine whether or not gainful employment would be more suitable for the child than continued attendance in school. The examination and testing must be conducted by the Department of Youth Services or by any local agency which the court determines to be appropriate. The court shall revoke the exemption provided in this item upon a finding that the child fails to continue in his employment until reaching the age of ~~seventeen~~ eighteen years.”

SECTION 3. This act takes effect upon approval by the Governor.

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