

SCHOOL CHOICE MATTERS

# South Dakota Policy Report

# Introduction

## PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

## CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

## POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



## Open Enrollment in South Dakota

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p><b>YES</b></p> <p>Mandatory policy requiring districts to accept all students where capacity exists</p>	<p><b>Admission of Nonresident Students</b>                      South Dakota Statutes require a school board to “admit nonresident students to the public schools in the district when it can be done without injuring or overcrowding the schools.”  <a href="#">(SD Statutes Chapter 13-28-21 Admission of nonresident students)</a></p> <p><b>Enrollment Options Program</b>                      SD Statutes establish an Enrollment Options Program “to enable any South Dakota kindergarten through twelfth grade student to attend any public school that serves the student’s grade level in any South Dakota school district, subject to the provisions established for the program  <a href="#">(SD Statutes Chapter 13-28-40 Enrollment options program established)</a></p> <ul style="list-style-type: none"> <li>• The Department of Education is authorized to promulgate rules specifying procedural and administration requirements for the open enrollment program and related transfers and enrollments. No such rules were located.</li> </ul> <p>A district is required to grant a transfer request – into or within the district – unless the transfer would result in an inability to provide a quality education program. This requirement does not extend to admittance of a nonresident child which would result in an ability to provide a quality educational program.  <a href="#">(SD Statutes Chapter 13-28-41 Request for transfer--Nonresident child excused from attending in another district--Nonresident child provided with alternative instruction)</a></p> <p>A determination of educational program quality is based on criteria established in § 13-28-44, which provides, in part, that each school district must adopt relevant standards for the acceptance and rejection of an application</p>

		<p>to enroll in the district. Such standards must be limited to the “capacity of a program, class, grade level, and school building operated by the board and the pupil/teacher ratio.”</p> <p>This section also establishes requirements regarding transfer requests for two or more children from a family residing in the same household, while also requiring denial of an application for open enrollment if the nonresident district cannot meet statutory requirements established for a child in need of special education or special education and related services.</p> <p><a href="#">(SD Statutes Chapter 13-28-44 Standards for acceptance or rejection of application to enroll)</a></p> <p>South Dakota DOE’s Open Enrollment webpage notes that prior to approving any application submitted for a student in need of special education, the “choice” district must conduct a review of relevant educational records of the student and speak with the family and sending district to determine if they have an appropriate educational program for the student. When applications for children in the same family or household are submitted to the same “choice” district; if one child can be admitted within the "choice" district’s capacity standards, all children from the family will be admitted.</p> <p><a href="#">(SD DOE Open Enrollment)</a></p>
<p><b>Transfers Within Districts</b></p>	<p><b>YES</b></p> <p>Mandatory policy allowing students to transfer schools</p>	<p><b>Enrollment Options Program</b></p> <p>South Dakota Statutes establish an Enrollment Options Program “to enable any South Dakota kindergarten through twelfth grade student to attend any public school that serves the student’s grade level in any South Dakota school district, subject to the provisions established for the program</p> <p><a href="#">(SD Statutes Chapter 13-28-40 Enrollment options program established)</a></p> <p>South Dakota Statutes establish that “[A] school district shall grant a request for a transfer into the district or within the district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the district pursuant to § 13-28-44.</p> <p><a href="#">(SD Statutes Chapter 13-28-41 Request for transfer--Nonresident child excused from attending in another district--Nonresident child provided with alternative instruction)</a></p>

<p><b>Year-round Transfer Window</b></p>	<p><b>LIMITED</b> Restricted transfer window</p>	<p>South Dakota Statutes require an Open Enrollment Program transfer to be initiated with an application prepared on forms provided by the Department of Education. The board or board’s designee of the district in which the student desires to enroll is required to approve or disapprove the application and, within five (5) days of the decision, provide notice to the applicant and resident board.</p> <p>Under the program, transfers to a nonresident district “may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If a school district approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If a school district approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year.” Limited exceptions to these timeline constraints are established.</p> <p>Intradistrict transfer applications may be accepted and acted upon at any time at the board's discretion.</p> <p><a href="#">(SD Statutes Chapter 13-28-43 Enrollment of student in other than resident district or transfer within district-- Approval and notification)</a></p>
<p><b>Tuition-Free Public Schools</b></p>	<p><b>LIMITED</b> Tuition can be charged</p>	<p>South Dakota Statutes do not prohibit school districts from charging tuition for interdistrict student transfers. A receiving district is authorized to charge tuition to any student “not entitled to the free school privileges of the district wherein they are enrolled”.</p> <p><a href="#">(SD Statutes Chapter 13-28-22 Tuition charged for students not entitled to free school privileges of district)</a></p> <ul style="list-style-type: none"> <li>• The Department of Education is authorized to promulgate rules specifying procedural and administration requirements for the open enrollment program and related transfers and enrollments.</li> </ul>
<p><b>School Capacity Transparency</b></p>	<p><b>NO</b> No transparency policy</p>	<p>There is no requirement that districts publicly report capacity by school and grade level.</p> <p>South Dakota DOE’s Open Enrollment webpage describes the obligation of all public school districts in the state to have written policies setting standards for the acceptance of a student for open enrollment in that school district (referred to as the “choice” district). The standards must address capacity of programs, classes, grade level and school buildings. They may set student-teacher ratios.</p> <p><a href="#">(SC DOE Open Enrollment)</a></p>

<p>Transfer Data Transparency</p>	<p><b>NO</b> No transparency in data reporting</p>	<p>There is no requirement that the state agency collect or report open enrollment data.</p>
<p>Transparent Appeal Process</p>	<p><b>YES</b></p>	<p>South Dakota Statutes establish that the decision of a local board is subject to de novo appeal. Any such appeal is required to be conducted in accordance with <a href="#">SD Statutes Chapter 13-46 Appeals in School Matters</a>.  (<a href="#">SD Statutes Chapter 13-28-44 Standards for acceptance or rejection of application to enroll</a>)</p>

SOURCE CITATIONS

<p><b>Statutes</b></p> <p><a href="#">SD Statutes Chapter 13-28-21 Admission of nonresident students</a></p> <p><a href="#">SD Statutes Chapter 13-28-22 Tuition charged for students not entitled to free school privileges of district</a></p> <p><a href="#">SD Statutes Chapter 13-28-40 Enrollment options program established</a></p> <p><a href="#">SD Statutes Chapter 13-28-41 Request for transfer--Nonresident child excused from attending in another district--Nonresident child provided with alternative instruction</a></p> <p><a href="#">SD Statutes Chapter 13-28-44 Standards for acceptance or rejection of application to enroll</a></p>	<p><b>State Department of Education</b></p> <p><a href="#">SC DOE Open Enrollment</a></p>
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## Charter Schools in South Dakota

POLICY	RATING	POLICY OVERVIEW
Multiple Charter Authorizers	<b>NO</b> No charter school law	South Dakota has not adopted a charter school law.
Charter Appeal Process	<b>NO</b> No appeals process	
Charter Regulatory Flexibility	<b>NO</b> No charter school law	
Equitable Charter Funding	<b>NO</b> No charter school law	
Charter Facilities Funding	<b>NO</b> No charter school law	
Options for High-Performing Charters	<b>NO</b> No charter school law	

Charter Zoning Exemptions	<b>NO</b> No charter school law	
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## Private School Choice in South Dakota

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p><b>LIMITED</b></p> <p>Eligibility less than 100%</p>	<p>South Dakota Statutes create the Partners in Education Tax Credit Program. Statutes, amended during the 2024 legislative session, define terms for the program, including:</p> <ul style="list-style-type: none"> <li>• “(3) "Educational scholarship," a grant to an eligible student to cover all or part of the tuition and fees at a qualifying school. The average value of all scholarships awarded by a scholarship granting organization may not exceed eighty-two and five-tenths percent of the state’s share of the per student equivalent, as defined in § 13-13-10.1;</li> <li>• (4) "Eligible student," any student entering kindergarten through twelfth grade who resides in South Dakota while receiving the educational scholarship and: (a) Is a member of a household whose total annual income, the year before the student enters the program, did not exceed one hundred fifty percent of the income standard used to qualify for a free or reduced-price lunch under the national free or reduced-price lunch program. If sufficient funding is available, once a student meets the initial income eligibility requirement, the student remains income eligible for three years or if the student is entering high school, until the student graduates high school regardless of household income. After the initial period of income eligibility, a student remains eligible if the student is a member of a household whose total annual income in the prior year did not exceed two hundred percent of the income standard used to qualify for a free or reduced-price lunch; or (b) Is in foster care.”</li> </ul> <p><a href="#">(SD Statutes Chapter 13-65-1 Definitions, as amended by Senate Bill 94, South Dakota Legislature (2024))</a></p> <p>As described by the Department of Labor and Regulation (SD DOLR), the program allows contributions to Scholarship Granting Organizations (SGOs) which provide scholarships for South Dakota students attending primary or secondary nonpublic schools in South Dakota. Insurance companies may be eligible to receive a premium tax credit for their contributions toward these scholarships.</p> <p><a href="#">(SD DOLR, Department of Insurance, Partners in Education Tax Credit Program)</a></p> <p>SD DOLR FAQs on the program describe student eligibility as follows:</p> <ul style="list-style-type: none"> <li>• “Students have to meet eligibility criteria to receive a scholarship from an SGO including household income, residency, and admission to a qualifying primary or secondary nonpublic school. A student</li> </ul>

		<p>remains eligible for a scholarship from an SGO for three years or the duration of high school, with exceptions.”</p> <p><a href="#">(SD DOLR, Partners in Education Tax Credit Program, FAQs)</a></p>
<p><b>Comparable Student Funding</b></p>	<p><b>LIMITED</b></p> <p>Funding below 90%</p>	<p>South Dakota Statutes, amended during the 2024 legislative session, define terms for the program.</p> <p>The definition of “Educational scholarship” provides that the “average value of all scholarships awarded by a scholarship granting organization may not exceed eighty-two and five-tenths percent of the state’s share of the per student equivalent, as defined in § 13-13-10.1;”</p> <p><a href="#">(SD Statutes Chapter 13-65-1 Definitions, as amended by Senate Bill 94, South Dakota Legislature (2024))</a></p>
<p><b>Uncapped Student Access</b></p>	<p><b>LIMITED</b></p> <p>Funding or enrollment cap</p>	<p>South Dakota Statutes, amended during the 2024 legislative session, establish a total amount of tax credits that may be claimed on annual premium tax returns.</p> <ul style="list-style-type: none"> <li>• “Section 1. That § 13-65-3 be AMENDED: 13-65-3. Notwithstanding the provisions of § 13-65-2, the total amount of tax credits claimed on annual premium tax returns pursuant to this chapter may not exceed five million dollars in fiscal year 2025 and each year thereafter.”</li> </ul> <p><a href="#">(SD Statutes Chapter 13-65-3 Limit on tax credits, as amended by Senate Bill 72, South Dakota Legislature (2024))</a></p> <p>Further amendments specify the methodology to be used to calculate the maximum allowable contributions eligible for each scholarship granting organization:</p> <ul style="list-style-type: none"> <li>• “Section 4. That a NEW SECTION be added to chapter 13-6: The division shall calculate the maximum allowable contributions eligible for a premium tax credit for each scholarship granting organization for each fiscal year by:             <ol style="list-style-type: none"> <li>(1) Dividing the total certified enrollment of all qualifying schools in a participation agreement with the scholarship granting organization in the previous school year by the total certified enrollment of all qualifying schools in participation agreements with all scholarship granting organizations in the previous school year; and</li> <li>(2) Multiplying the result of subdivision (1) by the total available tax credits provided in § 13-65-3.”</li> </ol> </li> </ul> <p><a href="#">(Senate Bill 94, South Dakota Legislature (2024))</a></p>

<p>Extended Application Window</p>	<p><b>YES</b></p>	<p>South Dakota Statutes establishing the Partners in Education Tax Credit Program do not specify details of the timeline and process for families to apply for the program.</p> <p>In FAQs on the program, the SD DOLR describes the responsibilities of participating students and parents to include:</p> <ul style="list-style-type: none"> <li>• “An eligible student and their parents must select a qualifying school and apply for admission, comply with school policy, and the student must remain in attendance throughout the school year at the qualifying school, among other requirements.”</li> </ul> <p><a href="#">(SD DOLR, Partners in Education Tax Credit Program, FAQs)</a></p> <p><a href="https://sdlegislature.gov/Statutes/13-65">https://sdlegislature.gov/Statutes/13-65</a></p> <p>13-65-4. Requirements for scholarship granting organizations.</p> <p>(9) Ensure that scholarships are portable during the school year and can be used at any qualifying school to which the scholarship granting organization grants scholarships and that accepts the eligible student according to a parent's wishes. If a student moves to a new qualifying school during a school year, the scholarship amount may be prorated;</p>
<p>Student Testing Options</p>	<p><b>YES</b></p>	<p>South Dakota Statutes establish responsibility of an eligible student and the student’s parent regarding participation in the Partners in Education Tax Credit Program, including:</p> <ul style="list-style-type: none"> <li>• “(4) An eligible student's parent shall ensure that the eligible student participating in the program takes the norm-referenced tests or statewide assessments administered by the qualifying school;”</li> </ul> <p><a href="#">(SD Statutes Chapter 13-65-6 Responsibilities of eligible students and their parents)</a></p> <ul style="list-style-type: none"> <li>• The Secretary of the Department of Labor and Regulation is required to promulgate rules, pursuant to <a href="#">South Dakota Statutes Chapter 1-26 Administrative Procedure and Rules</a>, establishing annual timelines for the notifications, verifications, and other procedures required of the insurance companies seeking a tax credit.</li> </ul> <p><a href="#">(SD Statutes Chapter 13-65-7 Promulgation of rules)</a></p>

<p>School Autonomy</p>	<p><b>YES</b></p>	<p>South Dakota Statutes largely preserves the autonomy of private schools participating in the Partners in Education Tax Credit Program by establishing that the program “does not expand the regulatory authority of the state or the state's officers to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of this chapter.”</p> <p><a href="#">(SD Statutes Chapter 13-65-12 Regulatory authority over nonpublic schools not expanded)</a></p>
<p>Accessible School Participation</p>	<p><b>LIMITED</b> Accreditation requirement</p>	<p>South Dakota Statutes, amended during the 2024 legislative session, define terms for the program. The definition of “Qualifying school” establishes the requirement that any such school is accredited by the Department of Education.</p> <ul style="list-style-type: none"> <li>“(8) "Qualifying school," any nonpublic school that operates within the boundaries of South Dakota or any tribally controlled school on a federally recognized Indian reservation that operates within the boundaries of South Dakota, is accredited by the Department of Education, provides education to elementary or secondary students, and has notified a scholarship granting organization of its intention to participate in the program and comply with the program requirements. This term excludes any school that receives a majority of its revenues from public funds;”</li> </ul> <p><a href="#">(SD Statutes Chapter 13-65-1 Definitions, as amended by Senate Bill 94, South Dakota Legislature (2024))</a></p>
<p><b>ESAs and Parent-Directed Spending</b></p>		
<p>Freedom to Customize</p>	<p><b>NO</b> No ESA or microgrant program</p>	<p>South Dakota does not have an education scholarship account or microgrant program.</p>
<p>Freedom to Access</p>	<p><b>NO</b> No ESA or microgrant program</p>	
<p>Carry-Over Funding</p>	<p><b>NO</b> No ESA or microgrant program</p>	

### Tax Credits

Full Tax Credit

**YES**

South Dakota Statutes create the Partners in Education Tax Credit Program. Statutes establish that, through the program, any company that is liable to pay the state-mandated insurance company premium and annuity tax, may claim credit for contributions made to the scholarship granting organization. A tax credit may be claimed in an amount equaling up to 100% of the total contributions made to the scholarship-granting organization in the previous taxable year.

[\(SD Statutes Chapter 13-65-2 Partners in education tax credit program established\)](#)

#### SOURCE CITATIONS

##### Statutes

[SD Statutes Chapter 13-65 Partners in Education Tax Credit Program](#)

[Senate Bill 72, South Dakota Legislature \(2024\)](#)

[Senate Bill 94, South Dakota Legislature \(2024\)](#)

##### Other Resources

[South Dakota Partners in Education](#)

[SD DOLR, Department of Insurance, Partners in Education Tax Credit Program](#)

[SD DOLR, Partners in Education Tax Credit Program, FAQs](#)



## Homeschooling in South Dakota

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p><b>YES</b></p> <p>No permission required</p>	<p>South Dakota Statutes authorize alternative instruction as an option to satisfy statutory compulsory attendance requirements. The parent, guardian, or other person having control of the child shall provide notification of any transitions by submitting the standard notification form to the Department of Education or the local district within thirty days of the transition.</p> <p><a href="#">(SD Statutes Chapter 13-27-3 Alternative instruction--Notification--Requirements; see also SD Statutes Chapter 13-27-1 Responsibility of person controlling child--High school equivalency test preparation program--Kindergarten--Transfer from another state)</a></p> <p>Although a family does not need permission to homeschool a student, notification of alternative instruction must be filed with either the Department of Education or the local district. Alternative instruction must be provided in the basic skills of language arts and mathematics.</p> <p><a href="#">(SD Statutes Chapter 13-27-7 Notification of alternative instruction)</a></p>
<p>No Extra Homeschool Notifications</p>	<p><b>YES</b></p> <p>One-time or no notification</p>	<p>South Dakota Statutes and policies do not require families to submit an annual notification of alternative instruction or an annual plan to state or local education officials. Instead, notification must be filed within thirty (30) days from the first time the child begins an Alternative Instruction program. Subsequent filing is not required thereafter unless: (1) the child enrolls in a public or nonpublic school; or, (2) the child moves to a different school district.</p> <p><a href="#">(SD Statutes Chapter 13-27-7 Notification of alternative instruction)</a></p> <p>South Dakota DOE Alternative Instruction FAQs confirm this as follows:</p> <ul style="list-style-type: none"> <li>• “Is school board action required to finalize an alternative instruction notification? No. Once a parent, guardian, or other person having control of a child formally notifies the local district or the State on the form provided by the Department of Education, the district must consider the notification submitted.”</li> <li>• SD DOE also advises that for students wishing to enroll in state-sponsored dual credit courses as 11th or 12th graders, alternative instruction system information should be updated the semester prior to the</li> </ul>

		<p>child’s eligibility. This will trigger the necessary agreements to provide that opportunity for eligible juniors and seniors.</p> <ul style="list-style-type: none"> <li>The FAQs also include a recommendation that “the parent, guardian, or other person having control of a child keep a detailed academic record of student learning, including attendance and grades earned. Transcripts issued by the parents/guardians are required for participation in activities, acceptance into public education at a later date, enrollment in the state’s dual credit program, acceptance into postsecondary education, and for scholarship applications.”</li> </ul> <p><a href="#">(SD DOE Alternative Instruction, FAQs; see also SD DOE Alternative Instruction Notification)</a></p>
<p>No Certification to Homeschool</p>	<p><b>YES</b> No certification requirement</p>	<p>South Dakota Statutes regarding alternative instruction establish that the person providing instruction is not required to be certified. Requirements limit instruction to no more than twenty-two (22) children per person providing instruction.</p> <p><a href="#">(SD Statutes Chapter 13-27-3 Alternative instruction--Notification--Requirements)</a></p>
<p>Flexible Assessment Options</p>	<p><b>YES</b> Flexible academic accountability</p>	<p>South Dakota Statutes and policies do not prescribe assessment options for homeschool students.</p> <p>Alternative Instruction FAQs recommend maintenance of a detailed academic record of student learning, as follows:</p> <ul style="list-style-type: none"> <li>“Education must be provided to lead to a mastery of the English language. It is recommended that the parent, guardian, or other person having control of a child keep a detailed academic record of student learning, including attendance and grades earned. Transcripts issued by the parents/guardians are required for participation in activities, acceptance into public education at a later date, enrollment in the state’s dual credit program, acceptance into postsecondary education, and for scholarship applications.”</li> </ul> <p><a href="#">(SD DOE Alternative Instruction, FAQs)</a></p>

SOURCE CITATIONS

**Statutes**

[SD Statutes Chapter 13-27-3 Alternative instruction--Notification--Requirements](#)

[SD Statutes Chapter 13-27-7 Notification of alternative instruction](#)

**State Department of Education**

[SD DOE Alternative Instruction Notification](#)

[SD DOE Alternative Instruction, FAQs](#)

POLICY ENHANCERS



## Part-time Enrollment in South Dakota

POLICY	RATING	POLICY OVERVIEW
<p>Resident Course Access</p>	<p><b>LIMITED</b></p> <p>By type of student, type of course, or district policy</p>	<p><b>Admission of Nonresident Students</b>                      South Dakota Statutes require a school board to “admit nonresident students to the public schools in the district when it can be done without injuring or overcrowding the schools.” There is no distinction between full-time and part-time enrollment, or core and elective courses.</p> <p><a href="#">(SD Statutes Chapter 13-28-21 Admission of nonresident students)</a></p> <p>In addition to this broad requirement, some specific provisions are in place for nonpublic school students and home school students (those receiving alternative instruction), as noted below.</p> <p><b>Nonpublic School Students</b>                      South Dakota Statutes and policies do not specifically address the access of nonpublic students to public school courses.</p> <p><b>Home School Students</b>                      South Dakota Statutes establish that the resident school district of a child being provided alternative instruction must admit that child, upon the request of the parent or legal guardian, on a full or part-time basis.</p> <p><a href="#">(SD Statutes Chapter 13-28-51 Enrollment of child on partial basis upon request of parent or guardian-- Alternative instruction; see also State Attorney General Opinion</a> confirming that school boards must allow Alternative Instruction students to take classes)</p> <p>South Dakota Statutes establish that a completed Alternative Instruction Notification form is required to contain the child's name, birthdate, resident district, and open enrolled district if applicable.</p>

		<p><a href="#">(SD Statutes Chapter 13-27-7 Notification of alternative instruction)</a></p> <p>SD DOE Alternative Instruction FAQs confirm this:</p> <ul style="list-style-type: none"> <li>• “Can an alternative instruction student enroll in a public school district on a part-time basis? Yes, alternative instruction students can enroll for one or more classes on a part-time basis while receiving alternative instruction for the balance of their education.”</li> </ul> <p><a href="#">(SD DOE Alternative Instruction, FAQs)</a></p> <p>South Dakota DOE information explains that school districts are not able to enroll alternative instruction students in dual credit courses. As such, alternative instruction families must work directly with the department to start the enrollment process for the reduced-cost courses.</p> <p><a href="#">(SD DOE Alternative Instruction Notification)</a></p>
<p><b>Nonresident Course Access</b></p>	<p><b>LIMITED</b></p> <p>Districts only serve resident students or can impose other restrictions</p>	<p><b>Admission of Nonresident Students</b></p> <p>South Dakota Statutes require a school board to “admit nonresident students to the public schools in the district when it can be done without injuring or overcrowding the schools.”</p> <p>There is no distinction between full-time and part-time enrollment, or core and elective courses.</p> <p><a href="#">(SD Statutes Chapter 13-28-21 Admission of nonresident students)</a></p> <p><b><a href="#">13-28-51. Enrollment of child on partial basis upon request of parent or guardian--Alternative instruction.</a></b>          The resident school district of a child being provided alternative instruction pursuant to § 13-27-3 shall admit that child to a public school in the district upon request from the child's parent or legal guardian. A child enrolled in a school district pursuant to this section may be enrolled in a school of the school district on only a partial basis and shall continue to also be provided with alternative instruction pursuant to § 13-27-3.</p>

<p><b>Virtual Course Access</b></p>	<p><b>LIMITED</b></p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p>The website of the South Dakota Center for Virtual Education (SDCVE, formerly known as the South Dakota Virtual School) explains that it is a clearinghouse of distance courses offered by approved providers.</p> <ul style="list-style-type: none"> <li>• “The goal of the SDCVE is to provide choice, flexibility, and quality for all students across the state...Any middle or high school student enrolled in a public, non-public, or tribal/BIE school in South Dakota is eligible to take courses via the South Dakota Center for Virtual Education. Alternative instruction (homeschool) students may also take these courses, as long as they register through their resident public school district.”</li> </ul> <p><a href="#">(SD Center for Virtual Education)</a></p> <p>Information provided on the SCDVE website indicates that participating students are required to coordinate enrollment with their local district, with schools typically paying for the cost of a student’s participation and “designated school personnel (typically a counselor or high school principal) must approve a student’s request to take a course via the South Dakota Center for Virtual Education.” In addition, this website notes that school districts have the right to deny a student’s request to take a SDCVE course or may require the student to pay partial or full cost of a course.</p> <p><a href="#">(SD Center for Virtual Education)</a></p>
<p><b>Extracurricular Access</b></p>	<p><b>LIMITED</b></p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p><b>Charter Schools (N/A)</b></p> <p><b>Nonpublic Schools</b>                  South Dakota Statutes establish that “any seventh or eighth grade student who attends a nonpublic elementary or middle school <u>that is not affiliated with a nonpublic high school</u> may participate in interscholastic activities at a nonpublic high school, at the discretion of the nonpublic school, if the student meets the same scholastic standards required by the South Dakota High School Activities Association for high school participation.” [emphasis added]</p> <p><a href="#">(SD Statutes Chapter 13-36-8 Participation of certain nonpublic school students in interscholastic activities at other nonpublic schools)</a></p> <p><b>Home School</b>                  South Dakota Statutes require each public school district to allow alternative instruction students to participate in athletics, fine arts, and activities in the district in which the student resides. Alternative instruction students must meet the same requirements as publicly enrolled students to participate in activities.</p> <p><a href="#">(SD Statutes Chapter 13-36-7 Participation in interscholastic activities – Eligibility)</a></p>

SOURCE CITATIONS

**Statutes**

[SD Statutes Chapter 13-28-21 Admission of nonresident students](#)

[SD Statutes Chapter 13-28-51 Enrollment of child on partial basis upon request of parent or guardian-- Alternative instruction](#)

[SD Statutes Chapter 13-36-8 Participation of certain nonpublic school students in interscholastic activities at other nonpublic schools](#)

[SD Statutes Chapter 13-36-7 Participation in interscholastic activities – Eligibility](#)

**State Department of Education**

[SD DOE Alternative Instruction Notification](#)

[SD DOE Alternative Instruction, FAQs](#)

[SD DOE Open Enrollment](#)

**Other Resources**

[SD Center for Virtual Education](#)



## Learn Everywhere in South Dakota

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p><b>NO</b></p> <p>No program</p>	<p>South Dakota has not established a Learn Everywhere program.</p>
Course Credit Standard	<p><b>NO</b></p> <p>No program</p>	
Core Course Opportunities	<p><b>NO</b></p> <p>No program</p>	
Central State List	<p><b>NO</b></p> <p>No program</p>	



## Transportation in South Dakota

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	NO	<p>South Dakota Statutes establish that neither the sending nor receiving school district must provide transportation services for open enrollment students (at the student’s parent or guardian’s request).</p> <p><a href="#">(SD Statutes Chapter 13-28-41.1 School district not required to provide transportation to student transferred within district)</a></p> <p><b>Interdistrict Transfers</b>                      South Dakota Statutes establish that the parent or guardian of a student who has been accepted for transfer is responsible for transporting the student to school in the receiving district without reimbursement. A receiving school district may enter the district of residence of students accepted for transfer into that school district to provide transportation to those students.</p> <p><a href="#">(SD Statutes Chapter 13-28-45 Transportation of transfer student)</a></p> <p><b>Intradistrict Transfers</b>                      South Dakota Statutes establish that the school district is not required to provide transportation services to the student granted approval to transfer from one school to another school within the district at the request of the student’s parent or guardian.</p> <p><a href="#">(SD Statutes Chapter 13-28-41.1 School district not required to provide transportation to student transferred within district)</a></p>
Fair Transportation Access	NO	<p><b>Charter School Students (N/A)</b></p> <p><b>Nonpublic School Students</b>                      South Dakota Statutes establish that school districts may (but are not required to) provide transportation to nonpublic school students “if no additional public funds are expended to provide the transportation.”</p> <p><a href="#">(SD Statutes 13-29-1.2 Transportation for nonpublic school students--Conditions)</a></p>

		<ul style="list-style-type: none"> <li>• <b>Note:</b> This section does not affect the transportation of any eligible student pursuant to an individualized education plan.</li> </ul>
<p><b>Vehicle Flexibility</b></p>	<p><b>LIMITED</b></p> <p>Only for student activities, or other restrictive conditions</p>	<p>South Dakota Statutes permit a district to contract for charter bus services to transport students to athletic and other interscholastic events without the need to meet school bus requirements unless such buses are used to transport students to and from school.</p> <p>Any school district’s board “may acquire, own, operate, or hire buses for the transportation of students to and from its schools either from within or without the district or for transportation to and from athletic, musical, speech, and other interscholastic contests in which participation is authorized by the school board. The school district may contract with a federally regulated charter bus operation to provide charter bus service for transportation of students, chaperones, and employees to and from athletic, musical, speech, other interscholastic contests, and special events in which participation is authorized by the school board. Buses used for this purpose need not meet requirements of a school bus unless such buses are used for the daily transportation of students to and from schools either from within or without the district.”</p> <p><a href="#">(SD Statutes Chapter 13-29-1 District operation of buses permitted--Purposes for which used)</a></p> <p>South Dakota Statutes establish that each school bus “which is owned by a school district, a nonpublic school or alternative education program or privately owned and operated under a contract with a school board or nonpublic school or alternative instruction program” must be inspected annually for compliance with state law and rules of the Board of Education Standards and other specified state entities.</p> <p><a href="#">(SD Statutes Chapter 13-29-6 Annual inspection of school buses--Issuance and display of certificate--Operation without certificate as petty offense)</a></p> <p>Within Administrative Rules regarding school buses, the chapter establishing School Bus Standards “provides minimum requirements for the construction and equipping of school buses manufactured into South Dakota after November 1, 2011.”</p> <p><a href="#">(SD Administrative Rules Article 24:06 School Buses - Chapter 24:06:07 School Bus Standards)</a></p>

**SOURCE CITATIONS**

<b>Statutes</b>	<b>Administrative Code</b>	<b>State Department of Education</b>
<p><a href="#">SD Statutes Chapter 13-29 School Buses And Transportation Of Students</a></p> <p><a href="#">SD Statutes Chapter 13-29-1 District operation of buses permitted--Purposes for which used</a></p> <p><a href="#">SD Statutes 13-29-1.2 Transportation for nonpublic school students--Conditions</a></p> <p><a href="#">SD Statutes Chapter 13-30 Student Allowances In Lieu Of Transportation</a></p> <p><a href="#">SD Statutes Chapter 13-28-45 Transportation of transfer student</a></p> <p><a href="#">SD Statutes Chapter 13-28-41.1 School district not required to provide transportation to student transferred within district</a></p> <p><a href="#">SD Statutes Chapter 13-29-6 Annual inspection of school buses--Issuance and display of certificate--Operation without certificate as petty offense</a></p>	<p><a href="#">SD Administrative Rules Article 24:06 School Buses - Chapter 24:06:07 School Bus Standards</a></p>	<p><a href="#">SD DOE School Transportation</a></p>

