



Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

South Dakota

Private Schools

Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. Things to consider
 - 4.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
 - 4.2. Teacher Certification: Instructors do not have to be certified. In nonaccredited schools, instructors cannot teach more than 22 students.
 - 4.3. Registration: Is not required.
 - 4.4. Licensing: Is required.
 - 4.5. Approval: Is not required.
 - 4.6. Length of School Year and Days: Each local school board shall set the number of days in a school term, the length of a school day, and the number of school days in a school week.. See statutes
 - 4.7. Curriculum: No requirements. See statutes below.
 - 4.8. State Testing: Children who are excused from compulsory public school attendance by receiving alternative instruction do not have to annually take a nationally standardized achievement test (basic skills).
 - 4.9. Health and Safety Requirements: Immunization is required. See other requirements in the statutes below.
 - 4.10. Nursing and Health: No state policy relating to nursing and health regarding nonpublic schools currently exists.

Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map.

Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

- Accreditation: optional
 - If the school wishes to be accredited, they will need to complete an initial application and undergo an on-site accreditation visit. That process usually takes about 2 years to become fully accredited. An application can be obtained by emailing doeaccred@state.sd.us.
 - The secretary of the South Dakota Department of Education is responsible for the classification and accreditation of nonpublic schools under the rules established by the South Dakota Board of Education pursuant to chapter 1-26 of the [South Dakota Codified Laws \(S.D. Codified Laws\)](#), [S.D. Codified Laws §13-3-47](#) and [24:43:04:01](#),
 - The South Dakota Board of Education is responsible for establishing standards for the classification and accreditation of schools. [S.D. Codified Laws §13-1-12.1](#).
- Registration: no requirements
- Licensing: no requirements
- Approval: no requirements

Curriculum

- The secretary of the South Dakota Department of Education is responsible for preparing and submitting a standards revision cycle and content standards for kindergarten through grade 12 to the South Dakota Board of Education. [S.D. Codified Laws §13-3-48](#).
- Instruction in any school must "promote a mastery of the English language in oral and written communications." [S.D. Codified Laws §13-33-11](#).
- All nonpublic schools must provide regular courses in the constitutions of the United States and the state of South Dakota beginning no later than eighth grade and continuing through high school as determined by the South Dakota Board of Education. [S.D. Codified Laws §13-33-4](#).
- Character instruction must be given in all nonpublic elementary and secondary schools on "the importance of citizenship, patriotism, honesty, self-discipline, self-respect, sexual abstinence, respect for the contributions of minority and ethnic groups to the heritage of South Dakota, regard for the elderly, and respect for authority." [S.D. Codified Laws §13-33-6.1](#).
- Nonaccredited nonpublic schools, including church sponsored programs, operating as "alternative education programs" must provide instruction in the basic skills of language arts and mathematics for an equivalent period of time as in the public schools. [S.D. Codified Laws §13-27-3](#).
- A nonpublic school governing body may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools, if they follow the regulations of [S.D. Codified Laws §13-36-4](#). It may make reasonable uniform rules to make decisions and to provide and enforce reasonable penalties for the

violation of such rules [S.D. Codified Laws §13-36-4](#). If the school is approved and accredited by the secretary of the South Dakota Department of Education it may yearly delegate control, supervision, and regulation of high school interscholastic activities to a nonprofit association with voluntary membership. That association must: (1) be open to all approved and accredited high schools including those with students receiving alternative instruction as defined in [S.D. Codified Laws §13-27-3](#), and (2) the governing rules of the association are subject to ratification by public school boards and nonpublic schools governing boards. [S.D. Codified Laws §13-36-4](#).

- South Dakota prohibits discrimination in private educational institutions based on race, color, creed, religion, sex, ancestry, disability or national origin. If there is the opportunity for both sexes to equally participate in athletic activities offered by an institution, segregation by sex in athletic activities does not constitute discrimination. Bona fide religious institutions that have a qualification based on religion are exempt if the qualification is related to a bona fide religious purpose. [S.D. Codified Laws §§20-13-1 and 20-13-22](#).

Health and Safety Requirements

- The governing body of a nonpublic school is under a duty to provide sanitary facilities and a supply of water suitable for drinking and to maintain sanitary conditions. Electrical services, adequate lighting, and a telephone must also be installed unless a school is operating for less than one term. [S.D. Codified Laws §13-24-16](#).
- Prior to admission for any pupil entering a school or an early childhood program is required to present to the appropriate school authorities certification from a licensed physician that the child has received or is in the process of receiving adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, and varicella, according to recommendations provided by the South Dakota Department of Health. "As an alternative to the requirement for a physician's certification, the pupil may present: (1) Certification from a licensed physician stating the physical condition of the child would be such that immunization would endanger the child's life or health; or (2) A written statement signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such immunization; or (3) A written statement signed by one parent or guardian requesting that the local health department give the immunization because the parents or guardians lack the means to pay for such immunization." [S.D. Codified Laws §13-28-7.1](#)
- Nonpublic schools must be "constructed, equipped, operated and maintained in a safe condition" with respect to "the type of construction and materials used, fireproofing, the number and types of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and doorways, shaft ways and other vertical openings, fire alarm systems, electrical equipment, flammable and explosive materials, heating systems and fuel storage, numbers of occupants, ventilation, and all other emergency protection". [S.D. Codified Laws §13-25-1](#).
- The state fire marshal may make inspection of all nonpublic school buildings, auditoriums, gymnasiums, dormitories, shops, or other buildings operated as a part of or in conjunction with school activities, whether owned by the school or not. [S.D. Codified Laws §13-25-3](#).

- Any person who has contact with children while serving at a private school and suspects child abuse or neglect must notify the school principal, superintendent, or designee. The notified person must report the information orally and immediately to the state's attorney of the county, the South Dakota Department of Social Services, or to law enforcement officers. [S.D. Codified Laws §§26-8A-7 and 26-8A-8.](#)
- Criminal conduct involving controlled substances, including marijuana, that occur within 1,00 feet of a private elementary or secondary school is a felony punishable by a minimum sentence of five years. [S.D. Codified Laws §22-42-19, § 22-42-2, 22-42-3, or 22-42-4,](#) and [§ 22-42-7.](#)
- Nonpublic or parochial schools may develop a fingerprinting program for students. The program must ensure that 1) participation is voluntary; 2) the program is executed with parental consent; 3) the program is operated under the supervision of local law enforcement agencies; 4) all completed fingerprint forms are given to the parents, and no school maintains a copy of the completed fingerprint forms; and 5) identifying details for each student must be printed on the fingerprint card. [S.D. Codified Laws §§26-15-1 and 26-15-2.](#)

Length of School Year and Days

- Each local school board shall set the number of days in a school term, the length of a school day, and the number of school days in a school week. The local school board or governing body shall establish the number of hours in the school term for kindergarten programs. The number of hours in the school term for kindergarten may be no less than 437.5 hours, for grades one through five may be no less than 875 hours, and for grades six through 12 may not be less than 962.5 hours, exclusive of intermissions. An intermission is the time when pupils are at recess or lunch. [S.D. Codified Laws §13-26-1.](#)
- A school may conduct the regular school term on a year-round basis and to begin on a date established by the school board. "The Board of Education shall promulgate rules pursuant to chapter 1-26 governing the operation and scheduling of year-round schools." Graduating high school seniors may be released from school before the end of the regular term by any school board or governing body. If make up time is needed and occurs after the graduating seniors are released, they do not need to make up the time. School days where classes are convened and then dismissed, or convened later in the day than normal because of inclement weather, count as full days as established in the local school district calendar for the year. [S.D. Codified Laws §13-26-2.](#)
- School boards are encouraged to include in the regular school term time for curriculum and staff development. Such time will not be counted as instructional time. Each school board has the authority to determine the appropriate amount of time for this activity and how best to use the time based on local needs for program development, increased parent participation, student contact, teachers' preparation, or other needs of the schools in the district. School is to be considered in session only when classes are held and as provided in [S.D. Codified Laws §§13-26-4 and 13-26-4.1.](#) "A school board may operate a special term during the summer months." [S.D. Codified Laws §13-26-2.](#)

Nursing and Health

- No state policy relating to nursing and health regarding nonpublic schools currently exists.
- South Dakota includes private school students in the school district's average daily membership to calculate the apportionment among school districts of the school fund income. [S.D. Codified Laws §§13-13-1](#) and [13-13.1.1](#).

Professional Development

- Elementary, secondary and vocational teachers employed by accredited nonpublic schools may attend undergraduate and graduate courses at state institutions for 50 percent of the tuition costs. Certain requirements apply, including 1) courses must be a condition of employment or necessary to maintain a certificate to teach; 2) space must be available; 3) the teacher must be a resident of the state; and 4) the teacher must maintain an average academic grade point average of 3.0. The maximum yearly credit hours for reduced tuition are six per year. [S.D. Codified Laws §§13-55-24](#) through [13-55-28](#).

Public Aid for Private Education

- Constitutional Provisions: "Public support of sectarian instruction prohibited. No appropriation of lands, money, or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift, or bequest of lands, money, or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state." S.D. Const. art. VIII, § 16. "No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution." S.D. Const. art. VI, § 3.

Recordkeeping and Reports

- A person enrolling a student in a nonpublic school must submit a certified copy of a birth certificate or an affidavit issued by the South Dakota Department of Health within 30 days of enrollment. [S.D. Codified Laws §13-27-3.1](#).
- The superintendent of any nonpublic school must regularly report to the state's attorney the name and address of any child who has not presented a certified copy of a birth certificate. [S.D. Codified Laws §13-27-3.3](#).
- A child is eligible to enroll in nonpublic school kindergarten when 5 years old on September 1st. A transferring student from another state may enroll in a nonpublic school regardless of age to ensure continuous education. [S.D. Codified Laws §§13-28-2](#) and [13-28-4](#).

Reimbursement for Performing State and Local Functions

- No state policy relating to reimbursement for performing state and local functions regarding nonpublic schools currently exists.

Special Education

- No state policy relating to special education regarding nonpublic schools currently exists.

Tax Exemption

- Nonpublic schools which are approved or accredited by the South Dakota Department of Education, by the board of regents or by a nationally recognized accreditation service are exempt from taxation. If any part of the property consists of agricultural land or improved or unimproved municipal property not occupied or directly used in carrying out the primary object of the educational institution, that part of the property shall be taxed the same as other property of the same class is taxed. If the school is operated for profit, this exemption applies only to that portion of property which is used exclusively for student housing, student and administrative parking and instructional or administrative purposes [S.D. Codified Laws §10-4-13](#).
- Religious education and nonprofit, private education institutions are exempt from retail sales and service taxes. [S.D. Codified Laws §10-45-14](#).
- Employment at an elementary or secondary school is exempt from coverage under South Dakota's unemployment compensation provisions. [S.D. Codified Laws §61-1-15](#).

Teacher Certification

- The South Dakota Board of Education is authorized to establish standards for certified personnel in all schools. [S.D. Codified Laws §13-1-12.1](#).
- Instructors do not have to be certified. In nonaccredited schools, instructors cannot teach more than 22 students. [S.D. Codified Laws §13-27-3](#).

Technology

- No state policy relating to technology regarding nonpublic schools currently exists.

Testing

- Children who are excused from compulsory public school attendance by receiving alternative instruction do not have to annually take a nationally standardized achievement test (basic skills). [S.D. Codified Laws §13-27-3](#) and [13-3-84](#).

Textbooks

- A public school board must freely loan nonsectarian textbooks as are normally furnished to students enrolled in a district's public schools to all students attending a nonpublic school in that district or participating in an alternative education program as per [S.D. Codified Laws §13-27-3](#) within the board's jurisdiction. [S.D. Codified Laws §13-34-23](#).

Transportation

- Each school bus used for the transportation of school children that is owned by a school district, nonpublic school, or alternative education program or privately owned and operated under a contract with a school district, nonpublic school, or alternative instruction program must be inspected before each school year begins by an inspector approved by the Division of Highway Patrol. The vehicle must comply with state law, and rules of the South Dakota Board of Education, the South Dakota Department of Public Safety, and the Division of Highway Patrol. If a school bus is purchased during the school year from a licensed motor vehicle dealer, the dealer may inspect and certify the compliance of the vehicle. A school bus must display the certificate certifying inspection was passed for the year. Operation of a school bus that has not been certified is a petty offense. S.D. Codified Laws § 13-29-6 does not apply to federally regulated charter bus service operations". [S.D. Codified Laws §13-29-6](#).

Resources

Contact Information--State and Federal Departments of Education

- South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501-2294
Phone: (605) 773-3134
Fax: (605) 773-6139
Website: <http://doe.sd.gov/>
- U.S. Department of Education, [South Dakota](#)

Information and Legislation

- [South Dakota Codified Laws](#)
- [CHAPTER 24:43:04 APPROVAL OF NONPUBLIC SCHOOLS](#)
 - [24:43:04:01](#) State approval process for nonpublic schools or specialized nonpublic educational programs.
 - [24:43:04:02](#) Nonpublic schools may seek annual state approval.
 - [24:43:04:03](#) External third-party accreditation agency option for nonpublic school.

- [24:43:04:04](#) Coordination of approval activities for nonpublic school
- [Frequently Asked Questions](#)

School Choice Programs

Partners in Education Tax Credit Program

South Dakota's Partners in Education Tax Credit Program was enacted in 2016, launched in 2016, and began providing scholarships in 2016–17. This program provides tax credits to insurance companies who donate to the non-profit Scholarship Granting Organization (SGO), which then provide private school scholarships to students who meet the income requirements.

A Scholarship Granting Organization (SGO) is a non-profit 501(c)(3) organization that receives contributions from donors and grants educational scholarships to eligible students in South Dakota. Insurance companies that contribute to SGOs participating in the program can receive a tax credit.

South Dakota Partners in Education (SDPE) is the SGO for granting tax-credit scholarships in the state of South Dakota. We partner with families, schools, donors, and the state of South Dakota to help empower families with educational choice.

Application to Participate

Private schools that are eligible to partner with SDPE must:

- Operate within the boundaries of South Dakota
- Are accredited by the South Dakota Department of Education
- And provide education to elementary or secondary students

Any schools wishing to participate in the program must file the annual [School Participation Agreement](#) with SDPE and comply with the program requirements. Schools that receive a majority of its revenues from public funds are not eligible to participate.

Resources

- [Download School Manual](#)
- [Choice School Application Process for the 2024-2025 School Year](#)
- [Participating Schools](#)