

2026 South Dakota Legislature

House Bill 1017**AMENDMENT 1017E
FOR THE INTRODUCED BILL**

1 **An Act to permit the board of a school district to require that certain students**
2 **receive instruction in alternative settings.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 13-28:**

5 Terms used in sections 2 to 4, inclusive, of this Act, mean:

6 (1) "Alternative setting," a physical location other than the student's regular classroom
7 or educational setting, as designated by a school administrator, where a student is
8 provided educational instruction;

9 (2) "Aggressive or violent behavior," behavior by which a student causes, attempts to
10 cause, or threatens to cause:

11 (a) Injury to the student's own self or another individual; or

12 (b) Damage to property; and

13 (3) "Disrupt," behavior by which a student causes interruption to the educational
14 instruction of others to the extent that a district employee reasonably believes that
15 there is no other option but to remove the student or other students from the
16 classroom or educational setting.

17 **Section 2. That a NEW SECTION be added to chapter 13-28:**

18 The board of a school district may assign a student to receive instruction in an
19 alternative setting, if the student's aggressive or violent behavior disrupts the classroom
20 or affects the health or safety of others in the school or the functioning of the school.

21 Upon assignment, the board shall:

22 (1) Provide for notification of the assignment, in writing, to the student's parent or
23 guardian; and

24 (2) Ensure that the student's parent or guardian is provided with a list of resources
25 and training opportunities applicable to the student's needs.

1 The parent or guardian of a student assigned to receive instruction in an alternative
2 setting may appeal the decision to the secretary of the Department of Education within
3 thirty days from the date of the decision.

4 The board may delegate the authority to assign a student to receive instruction in
5 an alternative setting, pursuant to this section, to the superintendent of the school district,
6 or a school's principal.

7 Nothing in this section may be construed to limit enrollment options provided in §
8 13-28-40 or conflict with provisions of the Individuals with Disabilities Education Act, 20
9 U.S.C. §§ 1400 to 1482, inclusive (January 1, 2026), or Section 504 of the Rehabilitation
10 Act of 1973, 29 U.S.C. § 794 (January 1, 2026).

11 **Section 3. That a NEW SECTION be added to chapter 13-28:**

12 If a student is assigned to receive instruction in an alternative setting, pursuant to
13 section 2 of this Act, the student must be referred to a behavioral health specialist ~~or to~~
14 the law enforcement agency having jurisdiction in the school district if:

- 15 (1) The alternative setting is outside of the student's regular attendance center; and
16 (2) The assignment to an alternative setting exceeds five days.

17 ~~The~~If the school district refers the student to a behavioral health specialist, the
18 behavioral health specialist may recommend additional steps or interventions to assist the
19 student in correcting the student's behavior in the future or discuss with the board and
20 the student's parent or guardian, other setting options.

21 If the assignment to an alternative setting is to be for a period in excess of fifteen
22 school days, the board or the administrator to whom the board has delegated authority
23 pursuant to section 1 of this Act, must review the assignment on the fifteenth school day
24 and every fifteen school days thereafter until the conclusion of the assignment period or
25 the conclusion of the school year, whichever comes first.

26 **Section 4. That a NEW SECTION be added to chapter 13-28:**

27 On or before the second Friday of June of each year, the board of a school district
28 shall report to the Department of Education, on the form prescribed by the department,
29 the students who were assigned to receive instruction in an alternative setting during the
30 school year.

31 The department may disclose information contained in the report only if the data
32 has been:

- 33 (1) Anonymized; and

1 (2) Aggregated with the data reported by all other school districts.

2 **~~Section 1. That a NEW SECTION be added to chapter 13-32:~~**

3 ~~A school board may assign a student to receive instruction in an alternative setting for~~
4 ~~aggressive or violent behaviors that disrupt the school or that affects a health or safety factor~~
5 ~~of the school or its program. Nothing herein may be construed to limit enrollment options~~
6 ~~provided in § 13-28-40 or conflict with provisions of Individuals with Disabilities Education~~
7 ~~Act, 20 U.S.C. § 1400, et seq., or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.~~
8 ~~§ 794.~~