



## 2026 South Dakota Legislature

# House Bill 1017

HOUSE EDUCATION ENGROSSED

*Introduced by: The Chair of the Committee on Education at the request of the Department of Education*

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 if:

14           (1) The alternative setting is outside of the student's regular attendance center; and

15           (2) The assignment to an alternative setting exceeds five days.

16           The behavioral health specialist may recommend additional steps or interventions  
17           to assist the student in correcting the student's behavior in the future or discuss with the  
18           board and the student's parent or guardian, other setting options.

19           If the assignment to an alternative setting is to be for a period in excess of fifteen  
20           school days, the board or the administrator to whom the board has delegated authority  
21           pursuant to section 2 of this Act, must review the assignment on the fifteenth school day  
22           and every fifteen school days thereafter until the conclusion of the assignment period or  
23           the conclusion of the school year, whichever comes first.

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

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

29           The department may disclose information contained in the report only if the data  
30           has been:

31           (1) Anonymized; and

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