**24:43:01:05.  Nonpublic school defined.** A "nonpublic school" is a school operated by an organization or entity other than a school district that delivers education to students of compulsory school age in the state of South Dakota. It has a governing body, may limit its enrollment to specified cohorts, and may charge tuition. It may receive federal or state revenues in the form of grants, subsidies, special appropriations; it may receive services from public schools. Examples of nonpublic schools include, but are not limited to, entities organized by faith-based groups, Indian tribes, followers of specific education philosophers or practitioners. A nonpublic school is not required by law to be free and open to all school-age children, is not under the purview of a publicly-elected school board, is not assigned territory as a tax base, and is not eligible to receive state aid to education.

 **Source:** 31 SDR 178, adopted May 4, 2005, effective July 1, 2005.

 **General Authority:** SDCL 13-1-12.1, 13-3-47.

 **Law Implemented:** SDCL 13-1-12.1, 13-3-47.