

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

346V0531

SENATE EDUCATION ENGROSSED NO. **SB 113** - 02/04/2014

Introduced by: Senators Rave, Brown, Heineman (Phyllis), Otten (Ernie), Peters, Rampelberg, Soholt, Solano, Tieszen, and Welke and Representatives Langer, Bolin, Hoffman, Kaiser, Olson (Betty), Rounds, Schaefer, and Sly

1 FOR AN ACT ENTITLED, An Act to revise the minimum suspension requirements for
2 students participating in extracurricular activities.

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

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, the subject of an informal adjustment or court-
6 approved diversion program, or the subject of a suspended imposition of sentence or suspended
7 adjudication of delinquency for possession, use, or distribution of controlled drugs or substances
8 or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the
9 body any substances as prohibited by § 22-42-15, is ineligible to participate in any
10 extracurricular activity at any secondary school accredited by the Department of Education for
11 one calendar year from the date of adjudication, conviction, diversion, or suspended imposition
12 of sentence. The one-year suspension may be reduced to ~~sixty school~~ thirty calendar days if the
13 person participates in an assessment with a certified chemical dependency counselor ~~or~~
14 ~~completes an accredited intensive prevention or treatment program.~~ If the assessment indicates



1 the need for a higher level of care, the student is required to complete the prescribed program
2 before becoming eligible to participate in extracurricular activities. Upon a second adjudication,
3 conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution
4 of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting,
5 inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court
6 of competent jurisdiction, that person is ineligible to participate in any extracurricular activity
7 at any secondary school accredited by the Department of Education for one year from the date
8 of adjudication, conviction, diversion, or suspended imposition of sentence. The one year
9 suspension may be reduced to sixty calendar days if the person completes an accredited
10 intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction,
11 diversion, or suspended imposition of sentence for possession, use, or distribution of controlled
12 drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or
13 otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of
14 competent jurisdiction, that person is ineligible to participate in any extracurricular activity at
15 any secondary school accredited by the Department of Education. Upon such a determination
16 in any juvenile court proceeding the Unified Judicial System shall give notice of that
17 determination to the South Dakota High School Activities Association and the chief
18 administrator of the school in which the person is participating in any extracurricular activity.
19 The Unified Judicial System shall give notice to the chief administrators of secondary schools
20 accredited by the Department of Education for any such determination in a court proceeding for
21 any person eighteen to twenty-one years of age without regard to current status in school or
22 involvement in extracurricular activities. The notice shall include name, date of birth, city of
23 residence, and offense. The chief administrator shall give notice to the South Dakota High
24 School Activities Association if any such person is participating in extracurricular activities.

1 Upon placement of the person in an informal adjustment or court-approved diversion
2 program, the state's attorney who placed the person in that program shall give notice of that
3 placement to the South Dakota High School Activities Association and chief administrator of
4 the school in which the person is participating in any extracurricular activity.

5 As used in this section, the term, extracurricular activity, means any activity sanctioned by
6 the South Dakota High School Activities Association. Students are ineligible to participate in
7 activity events, competitions, and performances, but a local school district may allow a student
8 to participate in practices.

9 Section 2. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No local school board may impose a lesser consequence than those established in § 13-32-9,
12 but a local school district may adopt a policy, by local school board action, with more strict
13 consequences to meet the needs of the district.

14 Section 3. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 If a suspension is reduced pursuant to § 13-32-9, a suspension for a first offense shall make
17 the student ineligible for a minimum of two South Dakota High School Activities Association
18 sanctioned events upon completion of the reduced suspension period. If a suspension is reduced
19 pursuant to § 13-32-9, a suspension for a second offense shall make the student ineligible for
20 a minimum of six South Dakota High School Activities Association sanctioned events upon
21 completion of the reduced suspension period. To count toward the minimum number of events
22 the student must participate in the entire activity season and may not drop out or quit the activity
23 to avoid suspension and the failure of a student to complete the entire activity season shall result
24 in the student being ineligible for one year from the date of adjudication, conviction, the subject

1 of an internal adjustment or court approved diversion program, or the subject of a suspended
2 imposition of sentence or suspended adjudication of delinquency. A suspension that is not
3 completed by the student during one activity season shall carry over to the next activity season
4 in which the student participates.

5 A suspension begins on the day following the notification to a school administrator by the
6 Unified Judicial System that a student has been adjudicated, convicted, the subject of an
7 informal adjustment or court approved diversion program, or the subject of a suspended
8 imposition of a sentence or a suspended adjudication of delinquency for possession, use, or
9 distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for
10 ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15
11 and the school administrator gives notice to the South Dakota High School Activities
12 Association and the students.