

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

884Q0390

HOUSE BILL NO. 1198

Introduced by: Representatives Kirkeby, Brunner, Gibson, Gosch, Jensen, Lederman, McLaughlin, Moser, Nygaard, Olson (Betty), Sly, Steele, and Verchio and Senators Bradford, Adelstein, Gant, Haverly, Howie, Kloucek, Rhoden, and Schmidt

1 FOR AN ACT ENTITLED, An Act to allow school districts to charge students a fee to
2 participate in interscholastic activities for which no academic credit is earned.

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

4 Section 1. That § 13-28-5 be amended to read as follows:

5 13-28-5. The privileges of the public schools of any district shall be free to all persons with
6 school residence within the district until they complete the secondary school program or until
7 they reach the age of twenty-one. However, the school board of any school district may charge
8 students a fee to participate in any interscholastic activity for which no academic credit is
9 earned.

10 Section 2. That § 13-36-4 be amended to read as follows:

11 13-36-4. The school board of a public or the governing body of a nonpublic school,
12 approved and accredited by the secretary of the Department of Education, may delegate, on a
13 year to year basis, the control, supervision, and regulation of any high school interscholastic
14 activities to any association which is voluntary and nonprofit if membership in such association



1 is open to all high schools approved and accredited by the secretary of the Department of
2 Education, including any school that allows participation by students receiving alternative
3 instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the
4 constitution, bylaws, and rules of the association are subject to ratification by the school boards
5 of the member public school districts and the governing boards of the member nonpublic
6 schools and include a provision for a proper review procedure and review board.

7 Any association which complies with this section may exercise the control, supervision, and
8 regulation of interscholastic activities, including interscholastic athletic events of member
9 schools. Such association may promulgate reasonable uniform rules, to make decisions and to
10 provide and enforce reasonable penalties for the violation of such rules. No such association,
11 however, may prevent any member public school district from charging a fee to students to
12 participate in any interscholastic activity for which no academic credit is earned.