

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

346V0531

## HOUSE JUDICIARY ENGROSSED NO. **SB 113** 03/10/2014

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 or licensed addiction~~  
14 counselor ~~or completes an accredited intensive prevention or treatment program~~. If the



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

1 activities.

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

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

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

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

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

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

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

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