

# STATE OF SOUTH DAKOTA IDENTIFYING STATUTES

## **SDCL 13-36-4 HIGH SCHOOL INTERSCHOLASTIC ACTIVITIES ASSOCIATIONS-QUALIFICATIONS-POWER AND AUTHORITY Amended 2018**

13-36-4. Delegation of control, supervision, and regulation of high school interscholastic activities to association. The school board of a public school, approved and accredited by the secretary of the Department of Education, may delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if:

(1) Membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title;

(2) The constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board;

(3) The report of any audit required by § 13-26-5 is made public on the association's website as well as the Department of Legislative Audit's website;

(4) The association complies with the provisions of chapter 1-25 and chapter 1-27. However, any such association, and its employees, meetings, and records, are afforded the same exemptions and protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-27; and

(5) The association shall report to the Government Operations and Audit Committee annually, or at the call of the chair.

The governing body of a nonpublic school, approved and accredited by the secretary of the Department of Education, or AdvancEd, or the Association of Christian Schools International (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA), or Commission for Oceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board.

Any association which complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools. Such association may promulgate reasonable uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation of such rules.

## **SDCL 13-36-5 ANNUAL AUDIT OF HIGH SCHOOL ACTIVITIES ASSOCIATION-PAYMENT-REPORT**

Any association exercising the grant of authority contained in SDCL 13-36-4 to regulate public and non-public schools shall be audited annually by the state department of legislative audit and a report of such audit shall be made to the Legislature. The association shall pay for the audit at the rate prescribed by SDCL 4-11-18.

## **SDCL 13-36-7 OPEN ENROLLMENT WITH MINNESOTA**

Any student enrolled in a South Dakota district pursuant to SDCL 13-15-21 is eligible to participate in any interscholastic activity sponsored by the SDHSAA insofar as the transfer rule is concerned. (Agreement between Minnesota and South Dakota)

## **SDCL 13-36-7 AS AMENDED 2003**

Any student enrolling in a South Dakota district pursuant to 13-15-21 is eligible to participate in any interscholastic activity sponsored by the SDHSAA. If the school board or governing body of an accredited school approves, a student receiving alternative instruction pursuant to 13-27-3 is eligible to participate in any interscholastic activity sponsored by the SDHSAA. Nothing in this section confers any vested right in any student wishing to participate in any interscholastic activity to be selected for competition in such activity. However, any accredited school student who leaves an accredited program during the course of the school year for any reason and enters an alternative instruction program is ineligible for participation in interscholastic activities for one year beginning on the date in which the student enters the alternative program.

## **SDCL 13-36-8 7<sup>th</sup> and 8<sup>th</sup> GRADE NONPUBLIC ELEMENTARY OR MIDDLE SCHOOL STUDENTS**

Any seventh or eighth grade student who attends a nonpublic elementary or middle school that is not affiliated with a nonpublic high school may participate in interscholastic activities at a nonpublic high school, at the discretion of the nonpublic school, if the student meets the same scholastic standards required by the South Dakota High School Activities Association for high school participation.

Adopted 2005 session

## **SDCL 13-36-9 to 13-36-14 adopted 2011 session**

Concussion guidelines and information sheet. The South Dakota High School Activities Association, in concert with the Department of Education, shall develop guidelines to inform and educate member schools, coaches, athletes, and the parents or guardians of athletes, of the nature and risk of concussion, including continuing to play after sustaining a concussion. A concussion information sheet shall be signed and returned by any athlete who seeks to compete in activities sanctioned by the South Dakota High School Activities Association and the athlete's parent or guardian prior to the athlete's participation in any youth athletic activities sanctioned by the South Dakota High School Activities Association. A signed information sheet is effective for one academic year.

The guidelines and information sheet shall include protocols and content consistent with current medical knowledge for informing and educating each member school, coach, and athlete participating in athletic activities sanctioned by the South Dakota High School Activities Association, and the athlete's parent or guardian as to:

- 1) The nature and risk of concussions associated with athletic activity;
- 2) The signs, symptoms, and behaviors consistent with a concussion;
- 3) The need to alert appropriate medical professionals for urgent diagnosis or treatment if an athlete is suspected to have received a concussion; and
- 4) The need to follow proper medical direction and protocols for treatment and return to play after an athlete sustains a concussion.

## **SDCL 13-36-10**

Coaches to complete training program. The South Dakota High School Activities Association and the South Dakota Department of Education shall develop a training program consistent with § 13-36-9. Each coach participating in athletic activities sanctioned by the South Dakota High School Activities Association shall complete the training program each academic year.

## **SDCL 13-36-11**

Removal of athlete exhibiting symptoms of concussion. An athlete shall be removed from participation in any athletic activity sanctioned by the South Dakota High School Activities Association at the time the athlete:

- 1) Exhibits signs, symptoms, or behaviors consistent with a concussion; or
- 2) Is suspected of sustaining a concussion.

## **SDCL 13-36-12**

Return of athlete to activity. No athlete who has been removed from participation in an athletic activity sanctioned by the South Dakota High School Activities Association may return to athletic activities until the athlete:

- 1) No longer exhibits signs, symptoms, or behavior consistent with a concussion; and
- 2) Receives an evaluation by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to play from such health care provider.

## **SDCL 13-36-13**

Licensed health care provider defined. For the purposes of § 13-36-12, a licensed health care provider is a person who is:

- 1) Registered, certified, licensed, or otherwise recognized in law by the State of South Dakota to provide medical treatment; and
- 2) Trained and experienced in the evaluation, management, and care of concussions.

## **SDCL 13-36-14**

Cause of action not created. Sections to §§ 13-36-9 to 13-36-13, inclusive, do not create any liability for, or create any cause of legal action against, a school, a school district, or any officer or employee of a school or school district.

### **SDCL 13-28A-1 OPEN ENROLLMENT WITH NORTH DAKOTA**

Enrollment options program--Agreement between South Dakota and North Dakota. The secretary of the Department of Education may enter into agreements with the appropriate parties from the state of North Dakota to establish an enrollment options program between South Dakota and North Dakota.

### **SDCL 13-28A-2 CONTENT OF AGREEMENT**

Any agreement entered into pursuant to this chapter shall specify the following:

- 1) For students who are not residents of South Dakota, the enrollment options program applies only to a student whose resident school district borders South Dakota;
- 2) If North Dakota sends more students to South Dakota than South Dakota sends to North Dakota, North Dakota will pay South Dakota an amount agreed upon for the excess number of students sent to South Dakota;
- 3) If South Dakota sends more students to North Dakota than North Dakota sends to South Dakota, South Dakota will pay North Dakota an amount agreed upon for the excess number of students sent to North Dakota.

### **SDCL 13-28A-3 APPLICATION PROCEDURE**

Any agreement entered into pursuant to this chapter shall specify the application procedures for the enrollment options program between South Dakota and North Dakota.

### **SDCL 13-28A-7**

North Dakota student included in South Dakota receiving school district's average daily membership for aid purposes. For the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent to South Dakota from North Dakota is included in the receiving school.

### **SDCL 13-28-10 ASSIGNMENT OF STUDENTS**

Assignment by local school boards under the provisions of this statute will not automatically set aside the Associations transfer/residence rule. Pursuant to Article VII, Section 3, Sub-section (j), Sub (5); a member school would have to submit an application for waiver of the transfer rule as set forth in the afore listed SDHSAA constitutional provision.

### **SDCL 13-28-22.2 WAIVING TUITION**

Any student who transfers under the provisions of this statute will not be eligible for sports for a period of one year as per the provision set forth in Chapter II, Part I, Section 1, Sub-section (f) of the SDHSAA By-Laws.

### **SDCL 13-28-36 SECOND CHANCE OPTION**

This statute gives a second chance option to students who have dropped out of high school. Any transfer that might occur pursuant to the provisions of this statute, the student will be rendered ineligible for a period of one year as per Chapter II, Part I, Section 1, Sub-section (f) of the SDHSAA By-Laws.

### **SDCL 13-28-37 COLLEGE CREDIT—Amended 2003—An act to repeal the limit on credit hours for certain students.**

Any student in grades ten, eleven or twelve may apply to an institution of higher education or a postsecondary vocational education institution as a special student in a course or courses offered at the institution of higher education or postsecondary vocational education institution. The student shall obtain the school district's approval of the postsecondary course or courses prior to enrolling. If approved, the student shall receive full credit toward high school graduation as well as postsecondary credit for each postsecondary course. The resident school district may pay all or part of the tuition and fees for a course approved for credit toward high school graduation in accordance with this section. The student is responsible for any tuition and fees not paid by the resident school district and for any other costs involved with attending a postsecondary institution. If a failing final course grade is received in a postsecondary course under this section, the student receiving the failure is no longer eligible to enroll for postsecondary courses under this section.

### **SDCL 13-28-43 OPEN ENROLLMENT BETWEEN SOUTH DAKOTA SCHOOLS**

#### **Amended 2012**

A student's parent or legal guardian who wishes to enroll the student, or an emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47, inclusive, in a South Dakota school district other than the resident district or in a school within the resident district other than the school to which the student has been assigned shall apply on forms provided by the Department of Education. The school board or the board's designee of the district in which the student desires to enroll shall approve or disapprove the application and shall notify the applicant and the resident board, if applicable, of its decision within five days of the decision. The district in which the student desires to enroll shall review the applications in the order received.

Transfers to a school district other than the resident school district under the provisions of §§ 13-28-40 to 13-28-47, inclusive, **may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year.** If a school district approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If a school district approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. However, the deadlines for transfer do not apply if:

- 1) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
- 2) A student enrolls in a school district after the deadline in either semester; or
- 3) The receiving school district school board or the board's designee determines that special circumstances exist and allows a student to transfer after the deadline.

Intradistrict transfer applications may be accepted and acted upon at any time at the board's discretion if the policies on which the transfer decisions are based are consistent with the other requirements of §§ 13-28-40 to 13-28-47, inclusive. An application may be withdrawn by the applicant prior to the approval of the request and upon notification of the district to which the student applied. Once approved by the district in which the student wishes to enroll, the approved application serves as the applicant's notice of intent to enroll in the nonresident district or desired school during the school year and obligates the student to attend school in the nonresident district or desired school during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

Once enrolled in a nonresident district or nonassigned school, the student may remain enrolled and is not required to resubmit annual applications.

### **SDCL 13-32-9 SUSPENSION FROM EXTRACURRICULAR ACTIVITIES FOR CONTROLLED SUBSTANCE VIOLATIONS.**

**13-32-9.** Suspension from extracurricular activities for controlled substances violation--Unified Judicial System to give certain notices. Any person adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding, the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities.

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

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High

School Activities Association. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

**13-32-9.1.** Consequences imposed by local school districts. No local school board may impose a lesser consequence than those established in § 13-32-9, but a local school district may adopt a policy, by local school board action, with more strict consequences to meet the needs of the district.

**Source:** SL 2014, ch 88, § 2.

**13-32-9.2.** Reduced suspensions--Commencement of suspension. If a suspension is reduced pursuant to § 13-32-9, a suspension for a first offense shall make the student ineligible for a minimum of two South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. If a suspension is reduced pursuant to § 13-32-9, a suspension for a second offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. To count toward the minimum number of events the student must participate in the entire activity season and may not drop out or quit the activity to avoid suspension and the failure of a student to complete the entire activity season shall result in the student being ineligible for one year from the date of adjudication, conviction, the subject of an internal adjustment or court approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season shall carry over to the next activity season in which the student participates.

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

**Source:** SL 2014, ch 88, § 3.

**As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association.**

**REVISED 2006 LEGISLATIVE SESSION  
AMENDED 2010 LEGISLATIVE SESSION  
AMENDED 2014 LESISLATIVE SESSION**

### **SDCL 36-4A-22 PHYSICALS**

In addition to doctors of medicine and doctors of osteopathy, this statute gives physician's assistants and licensed nurse practitioners the authority to give exams and sign the form.

### **SDCL 36-9A-12 PHYSICALS**

In addition to doctors of medicine and doctors of osteopathy, this statute gives nurse practitioners the authority to give exams and sign the forms.

### **SDCL 36-5-15 PHYSICALS**

In addition to doctors of medicine and doctors of osteopathy, this statute gives doctors of chiropractic the authority to give exams and sign the forms.

### **SDCL 13-16-35 HIGH SCHOOL INTERSCHOLASTIC ACTIVITIES ENDOWMENT**

Any member school of an association provided for in 13-36-4 to which control, supervision, and regulation of high school interscholastic activities has been delegated, may, during each school year, allow any portion of the admissions fees collected at a single event in each activity recognized by the association to be used by a local organization that supports local interscholastic activities. The portion of the admissions fees provided to the local organization shall be used for a purpose that is approved in advance by the local school board, and may be used for a local endowment fund that is dedicated to assisting the local school district with its educational needs. The local organization shall maintain complete records of the admissions fees it receives, and shall provide a report to the local school board detailing the specific use of the admission fees.