

2023 South Dakota Legislature

Draft 148

Requested by: at the request of the Study Committee on Juvenile Justice

1 **An Act to require law enforcement notice to school officials when a student is**
2 **suspected of violating state drug or alcohol laws or of threatening violence.**

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

4 **Section 1. That § 26-11-5.1 be AMENDED:**

5 **26-11-5.1.** Notwithstanding any other provision of law, a law enforcement agency
6 ~~may~~shall provide notice of an incident within its jurisdiction to public or nonpublic school
7 officials and to the parent or guardian of a school student if the incident is one in which
8 the agency has probable cause to believe the school student has violated any provision of
9 state law involving alcohol, illegal drugs, firearms, or bomb threats, or has made any
10 threat of violence relating to any school or its students, employees, or property. However,
11 if there is a prolonged criminal investigation and revealing information would jeopardize a
12 successful conclusion to the case, the law enforcement agency may provide the notice at
13 some later appropriate time. The notice shall be in writing. The information disclosed
14 pursuant to this section to school officials is governed by the federal Family Educational
15 Rights and Privacy Act (FERPA) as implemented in 34 CFR part 99, as effective on January
16 1, 2001. Law enforcement shall disclose the information to the chief administrator of a
17 nonpublic school only upon request and upon the execution of an agreement to follow the
18 provisions of the federal Family Educational Rights and Privacy Act (FERPA) with regard
19 to the information.