



2023 South Dakota Legislature

Senate Bill 57

Introduced by: **Senator Maher**

1 **An Act to revise the eligibility of alternative instruction students for participation in**
 2 **school district activities.**

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

4 **Section 1. That § 13-36-7 be AMENDED:**

5 **13-36-7.** Any student enrolling in a South Dakota district pursuant to § 13-15-21
 6 is eligible to participate in any interscholastic activity sponsored by the South Dakota High
 7 School Activities Association.

8 Each ~~public~~ school district shall allow participation in athletics, fine arts, or activities
 9 for a child being provided alternative instruction pursuant to § 13-27-3 ~~within~~. A child
 10 being provided with alternative instruction may only participate through the child's district
 11 in which the child resides of residence. The parent, guardian, or other person in control of
 12 a child being provided alternative instruction shall submit proof of age when participating
 13 in athletics, fine arts, or activities.

14 A child being provided with alternative instruction who enrolls in a district under
 15 the enrollment options program established in § 13-28-40 may not participate in an
 16 interscholastic activity sponsored by the South Dakota High School Activities Association
 17 through that district. Any child being provided with alternative instruction and participating
 18 in an activity sponsored by the South Dakota High School Activities Association ~~activities~~
 19 ~~shall be~~ is held to the same local training rules and South Dakota High School Activities
 20 Association ~~transfer and~~ non-academic eligibility rules as enrolled students.

21 Pursuant to § 13-27-3, and before the current season of the sport or activity the
 22 alternative instruction child is participating in, the parent, guardian, or other person in
 23 control of a child being provided alternative instruction shall provide the appropriate school
 24 official with a copy of a transcript of the previous semester's completed coursework that
 25 is issued by the parent, guardian, or other person in control of the child. The parent,
 26 guardian, or other person in control of a child being provided alternative instruction shall

1 notify the appropriate school official if the child becomes ineligible under South Dakota
2 High School Activities Association or local school rules in so far as those standards apply
3 to § 13-27-3.

4 Nothing in this section confers any vested right in any student wishing to participate
5 in any interscholastic activity to be selected for competition in ~~such the~~ activity. ~~However,~~
6 any Any enrolled student who leaves an accredited program during the course of the
7 school year and who will be provided alternative instruction is ineligible for participation
8 in interscholastic activities for the balance of the current season of the sport or activity
9 the student is participating in at the time of notification of alternative instruction.