

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

194C0694

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1229** - 2/19/99

Introduced by: Representative Putnam and Senator Drake

1 FOR AN ACT ENTITLED, An Act to require the reporting of certain weapons violations on
2 school premises to local law enforcement authorities.

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

4 Section 1. That § 13-32-4 be amended to read as follows:

5 13-32-4. The school board of every school district shall assist and cooperate with the
6 administration and teachers in the government and discipline of the schools. The board may
7 suspend or expel from school any student for violation of rules or policies or for insubordination
8 or misconduct, and the superintendent or principal in charge of the school may temporarily
9 suspend any student in accordance with § 13-32-4.2. The rules or policies may include
10 prohibiting the following:

11 (1) The consumption or possession of beer or alcoholic beverages on the school premises
12 or at school activities;

13 (2) The use or possession of a controlled substance, without a valid prescription, on the
14 school premises or at school activities; and

15 (3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary
16 or secondary school premises, vehicle, or building or any premises, vehicle, or

1 building used or leased for elementary or secondary school functions or activities.

2 In addition to administrative and school board disciplinary action, any violation of § 13-32-7
3 shall be reported to local law enforcement authorities.

4 The period of expulsion may extend beyond the semester in which the violation,
5 insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer
6 or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally
7 brought a firearm onto school premises, the expulsion may not be for less than twelve months.

8 However, the superintendent or chief administering officer of each local school district or
9 system may increase or decrease the length of a firearm-related expulsion on a case-by-case
10 basis. The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to
11 establish administrative due process procedures for the protection of a student's rights. The
12 administrative due process procedures shall include a requirement that the school give notice of
13 a student's due process rights to the parent or guardian of the student at the time of suspension
14 or expulsion. Each school district board shall provide a procedural due process hearing, if
15 requested, for a student in accordance with such rules if the suspension or expulsion of the
16 student extends into the eleventh school day.

17 This section does not preclude other forms of discipline which may include suspension or
18 expulsion from a class or activity.

19 This section does not prohibit a local school district from providing educational services to
20 an expelled student in an alternative setting.

21 Section 2. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
22 follows:

23 A child alleged to have violated § 13-32-7 shall be taken into temporary custody by a law
24 enforcement officer who shall immediately notify an intake officer who shall conduct a hearing
25 pursuant to § 26-7A-13.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 217

3 1/28/99 Referred to Education. H.J. 241

4 2/2/99 Scheduled for Committee hearing on this date.

5 2/2/99 Education Deferred to another day.

6 2/4/99 Scheduled for Committee hearing on this date.

7 2/9/99 Scheduled for Committee hearing on this date.

8 2/11/99 Scheduled for Committee hearing on this date.

9 2/16/99 Scheduled for Committee hearing on this date.

10 2/18/99 Scheduled for Committee hearing on this date.

11 2/18/99 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 604