

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

194C0694

HOUSE BILL NO. 1229

Introduced by: Representative Putnam and Senator Drake

1 FOR AN ACT ENTITLED, An Act to require placement of students in temporary custody for
2 certain weapons violations on school premises.

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

1 In addition to administrative and school board disciplinary action, any violation of any policy
2 prohibiting the use or possession of a firearm or dangerous weapon shall be reported to local law
3 enforcement authorities and is subject to actions set forth in §§ 26-7A-12, 26-7A-13, 26-7A-14,
4 26-7A-20, 26-7A-21, 26-8B-3, and 26-8C-3.

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

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

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

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

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

24 Notwithstanding the provisions of §§ 26-7A-12, 26-7A-13, 26-7A-14, 26-7A-20, 26-7A-21,
25 26-8B-3, and 26-8C-3, a child alleged to have violated § 13-32-7 shall be taken into temporary

- 1 custody by law enforcement and shall be authorized by an intake officer or circuit court judge
- 2 for temporary custody in a detention or shelter facility for a minimum of seventy-two hours,
- 3 exclusive of holidays or weekends.