

South Dakota Codified Laws (SDCL) 13-32-4

13-32-4.SCHOOL BOARD TO ASSIST IN DISCIPLINE – SUSPENSION AND EXPULSION OF PUPILS – HEARINGS – ALTERNATIVE SETTINGS. The school board of every school district shall assist and cooperate with the administration and teachers in the government and discipline of the schools. The board may suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student in accordance with SDCL 13-32-4.2. The rules or policies may include prohibiting the following:

1. The consumption or possession of beer or alcoholic beverages on the school premises or at school activities
2. The use or possession of a controlled substance, without a valid prescription, on the school premises or at school activities
3. The use or possession of a firearm, as provided in SDCL 13-32-7, on or in any premises, vehicle, or building used or leased for elementary or secondary school function or activities

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

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

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

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

(ADOPTION DATE: February 28, 1983)

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