

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

376Z0194

HOUSE BILL NO. 1120

Introduced by: Representatives Peterson (Sue), Ahlers, Barthel, Beal, Bordeaux, Brunner, Campbell, Carson, Chase, Clark, Dennert, DiSanto, Frye-Mueller, Goodwin, Haugaard, Heinemann, Howard, Jamison, Jensen (Kevin), Johnson, Kaiser, Karr, Lesmeister, Livermont, Lust, Marty, May, McCleerey, Mills, Peterson (Kent), Pischke, Qualm, Rhoden, Rounds, Schaefer, Steinhauer, Turbiville, Wiese, York, and Zikmund and Senators Langer, Cronin, Greenfield (Brock), Jensen (Phil), Killer, Klumb, Kolbeck, Monroe, Nelson, Netherton, Novstrup, Russell, Stalzer, Wiik, and Youngberg

1 FOR AN ACT ENTITLED, An Act to provide equal access for all students to activities
2 sponsored by the South Dakota High School Activities Association or school districts.

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

4 Section 1. That § 13-36-7 be amended to read:

5 13-36-7. Any student enrolling in a South Dakota district pursuant to § 13-15-21 or
6 receiving alternative instruction pursuant to § 13-27-3 is eligible to participate in any
7 interscholastic activity sponsored by the South Dakota High School Activities Association and
8 any activity sponsored by the district or any school in the district. ~~If the school board or~~
9 ~~governing body of an accredited school approves, a student receiving alternative instruction~~
10 ~~pursuant to § 13-27-3 is eligible to participate in any interscholastic activity sponsored by the~~
11 ~~South Dakota High School Activities Association.~~ Nothing in this section confers any vested
12 right in any student wishing to participate in any interscholastic activity sponsored by the High



1 School Activities Association to be selected for competition in such activity. A student receiving
2 alternative instruction is deemed academically eligible to participate in any activity if the student
3 is in compliance with all requirements of alternative instruction pursuant to § 13-27-3. However,
4 any ~~accredited school~~ student who leaves an ~~accredited program~~ a South Dakota High School
5 Activities Association member school during the course of the school year for any reason and
6 enters an alternative instruction program is ineligible for participation in ~~interscholastic~~
7 ~~activities~~ any activity sponsored by the South Dakota High School Activities Association for
8 one year beginning on the date in which the student enters the alternative program.

9 Section 2. That chapter 13-36 be amended by adding a NEW SECTION to read:

10 A school district has no duty to transport a student receiving alternative instruction to the
11 school for practices, meetings, or events for any activity sponsored by the South Dakota High
12 School Activities Association. No student receiving alternative instruction may be prohibited
13 from riding on a bus or other form of transportation with the team to any event away from the
14 school if the team is being transported by bus or other form of transportation.