

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

913B0272

HOUSE BILL NO. 1140

Introduced by: Representatives Gosch, Greenfield (Lana), Marty, Rasmussen, Schoenfish,
and Weis and Senators Greenfield (Brock), Cronin, Maher, and Youngberg

1 FOR AN ACT ENTITLED, An Act to prohibit any high school interscholastic activities
2 association from restricting or prohibiting broadcasting of high school activities.

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

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

5 13-36-4. The ~~school~~ board of a public school, ~~approved and accredited by the secretary of~~
6 ~~the Department of Education;~~ district may delegate, on a ~~year to year~~ year-to-year basis, the
7 control, supervision, and regulation of ~~any~~ high school interscholastic activities to any
8 association ~~which~~ that is voluntary and nonprofit if:

9 (1) Membership in the association is open to all high schools approved and accredited
10 ~~pursuant to this section~~ in accordance with this title, including any school that allows
11 participation by ~~students~~ any student receiving alternative instruction as set forth in
12 § 13-27-3, ~~pursuant to the provisions of this title~~;

13 (2) The constitution, bylaws, and rules of the association are subject to ratification by the
14 ~~school~~ boards of the member public school districts and the governing boards of the
15 member nonpublic schools ~~and include a provision for a proper review procedure and~~



1 review board;

2 (3) The report of any audit required by ~~§ 13-26-5~~ § 13-36-5 is made public on the
3 association's website, as well as the website maintained by the Department of
4 Legislative ~~Audit's website~~ Audit;

5 (4) The association complies with ~~the provisions of chapter~~ chapters 1-25 and ~~chapter~~
6 ~~1-27. However, the association, and its employees, meetings, and records, are~~
7 ~~afforded~~ and abides by the same exemptions and protections as those given for or to
8 a political subdivision or public body ~~is provided~~ under ~~chapter~~ chapters 1-25 and
9 ~~chapter~~ 1-27; and

10 (5) The association ~~shall report~~ reports to the Government Operations and Audit
11 Committee annually, or at the call of the chair; and

12 (6) The association does not restrict or prohibit the video recording or live broadcast of
13 any high school interscholastic activity or event by any television, radio, internet, or
14 other broadcasting organization.

15 The governing body of a nonpublic school, approved and accredited by the secretary of the
16 Department of Education, ~~or~~ AdvancED, ~~or~~ the Association of Christian Schools International
17 (~~ACSI~~), ~~or~~ the Association of Classical and Christian Schools (~~ACCS~~), ~~or~~ Christian Schools
18 International (~~CSI~~), ~~or~~ National Lutheran School Accreditation (~~NLSA~~), ~~or~~ the Commission for
19 Oceti Sakowin Accreditation (~~COSA~~), or the Wisconsin Evangelical Lutheran Synod School
20 Accreditation, may also delegate, on a ~~year-to-year~~ year-to-year basis, the control, supervision,
21 and regulation of ~~any~~ high school interscholastic activities or events to any association ~~which~~
22 that is voluntary and nonprofit ~~if membership in such association is open to all high schools~~
23 ~~approved and accredited pursuant to this section, including any school that allows participation~~
24 ~~by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions~~

1 ~~of this title, and if the constitution, bylaws, and rules of the association are subject to ratification~~
2 ~~by the school boards of the member public school districts and the governing boards of the~~
3 ~~member nonpublic schools and include a provision for a proper review procedure and review~~
4 ~~board, provided the association meets the requirements of this section.~~

5 Any association ~~which~~ that complies with this section may exercise the control, supervision,
6 and regulation of interscholastic activities and events, including interscholastic athletic events
7 of member schools. The association may promulgate ~~reasonable uniform~~ rules, ~~to make~~
8 ~~decisions and to~~ and, in accordance with the rules, provide and enforce reasonable penalties for
9 ~~the violation of the rules~~ violations.