

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

549W0485

HOUSE BILL NO. 1161

Introduced by: Representatives Haugaard, Beal, Brunner, Greenfield (Lana), Heinemann (Leslie), Hunt, Langer, Marty, May, Qualm, Russell, and Verchio and Senators Greenfield (Brock), Hagggar (Jenna), Heineman (Phyllis), Holien, Jensen (Phil), Lederman, Olson, Otten (Ernie), Rusch, Solano, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to limit certain rule making authority of the South Dakota
2 High School Activities Association.

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

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

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

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

13 (2) The constitution, bylaws, and rules of the association are subject to ratification by the



1 school boards of the member public school districts and the governing boards of the
2 member nonpublic schools and include a provision for a proper review procedure and
3 review board;

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

6 (4) The association complies with the provisions of chapter 1-25 and chapter 1-27.
7 However, any such association, and its employees, meetings, and records, are
8 afforded the same exemptions and protections as a political subdivision or public
9 body is provided under chapter 1-25 and chapter 1-27; and

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

12 The governing body of a nonpublic school, approved and accredited by the secretary of the
13 Department of Education, or the North Central Association Commission on Accreditation and
14 School Improvement (NCA CASI), or the Association of Christian Schools International
15 (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools
16 International (CSI), or National Lutheran School Accreditation (NLSA), or Wisconsin
17 Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis,
18 the control, supervision, and regulation of any high school interscholastic activities to any
19 association which is voluntary and nonprofit if membership in such association is open to all
20 high schools approved and accredited pursuant to this section, including any school that allows
21 participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to
22 the provisions of this title, and if the constitution, bylaws, and rules of the association are
23 subject to ratification by the school boards of the member public school districts and the
24 governing boards of the member nonpublic schools and include a provision for a proper review

1 procedure and review board.

2 Any association which complies with this section may exercise the control, supervision, and
3 regulation of interscholastic activities, including interscholastic athletic events of member
4 schools. Such association may promulgate reasonable uniform rules, to make decisions and to
5 provide and enforce reasonable penalties for the violation of such rules. However, the
6 association may not establish policy relating to sexuality or gender identity, other than the basic
7 distinction between the male and female high school activities.