

Associated School Boards of South Dakota	NEPN Code: JGD
Policy Reference Manual	

STUDENT SUSPENSION OR EXPULSION

Serious breaches of standards of behavior may result in suspensions or expulsions from school. A principal is authorized to suspend pupils for not more than ten school days and A Superintendent is authorized to suspend pupils for not more than 90 days. 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.

Any student bringing a firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon to school, except as authorized by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The Superintendent shall have the authority to decrease the length of expulsion on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504.

A suspension may be imposed, but is not limited to, when a student's behavior creates a threat to his own or other's safety or imposes a threat to property or premises or creates a serious disruption of the school environment. Behavior such as fighting or committing an assault on another; stealing; vandalism; possessing weapons, explosives or other prohibited materials; making a false alarm or terroristic threat; lewd or threatening behavior or language; possession of drugs; or possession of beer or alcoholic beverages on the school premises or at school activities may result in suspensions.

Hearing procedures as established by state regulations will be followed for all students who receive long-term suspensions or expulsion.

- * In case of a suspension by the Superintendent for more than ten school days, the Superintendent will schedule a hearing before the Board of Education and the hearing shall be scheduled within ten (10) school days of the first day of the student's suspension.
- ** Additional procedures mandated by state and federal law apply to special education students.

NOTE: Statute states that no school board may impose a lesser consequence than those established in SDCL 13-32-9 but may by board policy adopt more strict consequences for adjudication, conviction, informal adjustment or court-approved diversion program, or a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana. Statute also says the suspension "may" be reduced and the student "may" be allowed to practice during the period of suspension. To avoid discriminatory application, it is ASBSD's recommendation that the Board decide, for policy purposes, if the suspension period is to be reduced upon the student meeting the requirements, and if reduced to what extent, and whether the student may participate in practice during a period of suspension.

Suspension from Extra-Curricular Activities:

First offense: if a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended one year which shall be reduced to thirty calendar days if the student participates in an assessment with a certified licensed addiction counselor. If a suspension for a first offense is reduced to 30 calendar days, the student is also ineligible for a minimum of two South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

Second offense: If a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended one year. The one year suspension for a second offense shall be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is also ineligible for a minimum of six South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

In order for events to count toward the minimum number of events for which the student is ineligible following a reduction in the suspension for a first or second offense, the student must participate in the entire activity season. Failure of a student to complete the entire activity season results in the student being ineligible for one year from the date of adjudication, conviction, the subject of an internal adjustment or court approved diversion program, or subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season carries over to the next activity season in which the student participates.

Third offense: Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by statute, by a court of competent jurisdiction, the student is ineligible to participate in any extracurricular activity.

Legal References: SDCL 13-32-4 (School board to assist in discipline)
SDCL 13-32-4.2 (Procedure for suspension)
SDCL 13-32-5 (Injury to school property as grounds)
SDCL 13-32-7 (Possession of firearms on premises)
SDCL 13-32-9 (Suspension from extracurricular activities)
SDCL 13-32-**** (Suspension from extracurricular activities)

SDCL 22-11-9.2 (Falsely reporting a threat)
SDCL 22-14A-24 (Use of substance or device to communicate
felonious threat)
SDCL 22-14A-25 (Use of hoax substance or device to cause fear)
SDCL 22-42 (Controlled Substances and Marijuana)
ARSD 24:05:26 (Special Education Student Suspension)
ARSD 24:05:26.01 (Special Education Student Expulsion)
ARSD 24:07 (Student due process)
Public Law 103-382 (Improving America's Schools Act of 1994)

Cross References: IGD: Cocurricular and Extracurricular Activities
IGDI: Interscholastic Athletics
JFA: Student Due Process Rights
JFC: Student Conduct
JFCH: Alcohol and Other Drug Use by Students

Adopted: 1/1/2007

Reviewed: 2/9/2012; 4/17/2014

Revised: 1/1/2007; 4/17/2014

Notes: ASBSD sample policies are intended to be a guide for school districts. As is the case with any policy, a local school district's unique circumstances, challenges and opportunities need to be considered.