

NATIONALLY RECOGNIZED LEGAL SOLUTIONS

# SOUTH DAKOTA LEGAL NOTES

JUL/AUG 2019

## BACK TO SCHOOL

As we prepare for our children to head back to school and our calendars become full with extracurricular activities, it's a good time to brush up on our student's rights about drug testing. You may wonder if a school district may require the random drug testing of students who participate in extracurricular activities. The answer is **yes, it may**.

In *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002), the Supreme Court held that mandatory, suspicionless drug testing of public high school students participating in extracurricular activities is a constitutionally reasonable intrusion that furthers a public school's legitimate interest in deterring drug use among children.

The Supreme Court further found that a public school does not need to demonstrate a pervasive drug problem among the population subject to testing to warrant the intrusion. In sum, the Supreme Court determined that the government's compelling interest in preventing and eradicating drug use among children outweighs the limited privacy expectations held by public middle and high school students. For more information about student rights, go to [SwierLaw.com](http://SwierLaw.com).



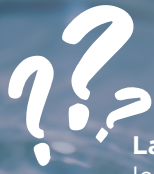
### TOP 5 TIPS FOR KIDS RIDING THE BUS

1. Walk with your young kids to the bus stop and wait with them until it arrives. Make sure drivers can see the kids at your bus stop.
2. Teach kids to stand at least three giant steps back from the curb as the bus approaches and board the bus one at a time.
3. Teach kids to wait for the school bus to come to a complete stop before getting off and not to walk behind the bus.
4. If your child needs to cross the street after exiting the bus, he or she should take five giant steps in front of the bus, make eye contact with the bus driver and cross when the driver indicates it's safe. Teach kids to look left, right and left again before crossing the street.
5. Instruct younger kids to use handrails when boarding or exiting the bus. Be careful of straps or drawstrings that could get caught in the door. If your child drops something, they should tell the bus driver and make sure the bus driver is able to see them before they pick it up.

Source: [Safekids.org](http://Safekids.org)

**Qualifying elementary and secondary school teachers and other eligible educators (such as counselors and principals)** can deduct above the line up to \$250 of qualified expenses. If you're married filing jointly and both you and your spouse are educators, you can deduct up to \$500 of unreimbursed expenses — but not more than \$250 each.

Qualified expenses include amounts paid or incurred during the tax year for books, supplies, computer equipment (including related software and services), other equipment and supplementary materials that you use in the classroom. For courses in health and physical education, the costs of supplies are qualified expenses only if related to athletics.



## FUN FACT:

**Latin** played the role of a common legal language in past centuries. In fact, Latin is sometimes called the mother tongue of Western European culture. Today, you can find Latin in law books and the bible and it is also the root of many of our common words. For example, “jur” is the root of “jury,” “justice,” and “justify” which all have meanings in the law.

## RANCH HAM ROLL-UPS



*You and your kids are going to love these Ranch Ham Roll-ups for more than just lunch. They're yummy, quick and easy to make, and can be served as an appetizer any time.*

### INGREDIENTS:

- 2 packages (8 ounces each) cream cheese, softened
- 1 envelope ranch salad dressing mix
- 3 green onions, chopped
- 11 flour tortillas (8 inches)
- 22 thin slices deli ham

### DIRECTIONS:

1. In a small bowl, beat cream cheese and salad dressing mix until smooth. Stir in onions. Spread about 3 tablespoons over each tortilla; top each with two ham slices.
2. Roll up tightly and wrap in plastic. Refrigerate until firm. Unwrap and cut into 3/4-in. slices.

### NUTRITION FACTS:

*3 each: 168 calories, 9g fat (3g saturated fat), 37mg cholesterol, 908mg sodium, 11g carbohydrate (0 sugars, 0 fiber), 12g protein.*

**YOUR ESSENTIAL GUIDE**

Do you have questions about child custody or divorce? If so, go to [SwierLaw.com/Reports](http://SwierLaw.com/Reports) to download our free book: *Your Essential Guide To Child Custody and Divorce In South Dakota*.

# MIXED BERRY SHORTCAKES WITH HOMEMADE WHIPPED CREAM

## SHORTCAKE:

- 2 cups all-purpose flour
- 3 tablespoons sugar
- 1 tablespoon baking powder
- 1 teaspoon kosher salt
- 12 tablespoons (1 1/2 sticks) cold unsalted butter - cubed
- 2 eggs - lightly beaten
- 1/2 cup cold heavy whipping cream
- 1 egg beaten with 2 tablespoons milk for egg wash

## MACERATED MIXED BERRIES:

- 3 pints fresh berries - Strawberries should be hulled and chopped.
- 1 tablespoon lemon juice
- 1/3 cup sugar

## HOMEMADE WHIPPED CREAM:

- 2 cups heavy whipping cream
- 1 teaspoon vanilla extract
- 1/4 cup powdered sugar



*We found this recipe at [Inspiredbycharm.com](http://Inspiredbycharm.com) and couldn't wait to share it with our friends because it's delicious and nutritious (it does have fruit in it!) AND looks patriotic. Enjoy!*

## INSTRUCTIONS:

1. Begin by preheating your oven to 400 degrees F. Line a sheet pan with parchment paper and set it aside.
2. In the bowl of a stand mixer, sift the flour, 3 tablespoons of sugar, baking powder, and salt. Using the paddle attachment and low speed, mix in the butter until it is about the size of peas. Combine the eggs and heavy cream in a measuring cup. Then, with the mixer on low, add them to the flour mixture. Mix until just combined. The dough will be sticky.
3. On a well-floured surface, roll the dough to about 1/2-inch thick using a rolling pin. Use a 2-inch cookie cutter to cut about 16 shortcakes. Place them onto the prepared sheet pan. Brush the tops with the egg wash and sprinkle them with sugar. Bake for 15 to 20 minutes, until the tops are browned and the insides are fully baked. Allow to cool on the sheet pan.
4. In the meantime, prepare your berries by tossing them in a large bowl with the lemon juice and sugar. Let the berries macerate for 1-2 hours, stirring them once or twice during this process.
5. To prepare your homemade whipped cream, add the heavy whipping cream, sugar, and vanilla to the bowl of a stand mixer. Using the whisk attachment, with your mixture on medium speed, whip the cream until it begins to thicken. Continue whipping for several minutes until the cream is fluffy but not too firm. Add the whipped cream to a piping bag fitted with a star tip.
6. Once the shortcakes have cooled and the berries have produced sufficient juice, you're ready to assemble the dessert. Begin by cutting the shortcakes in half with a serrated knife. Place half of a shortcake into the bottom of the mason jar. Top with berries and then whipped cream. Repeat this process again. Finish with a shortcake top, a dollop of whipped cream, and additional berries to garnish. *Serve immediately.*



“ONE FLAG, ONE LAND,  
ONE HEART,  
ONE HAND, ONE NATION  
EVERMORE!”

— OLIVER WENDELL HOLMES



# 4 QUESTIONS ABOUT OPEN ENROLLMENT IN SOUTH DAKOTA

## QUESTION #1 - WHAT IS THE "ENROLLMENT OPTIONS PROGRAM"?

In 1997, the South Dakota Legislature established the "enrollment options program," commonly referred to as "open enrollment." The law enables any South Dakota kindergarten through twelfth grade student to attend any public school that serves the student's grade level in any South Dakota school district.

## QUESTION #2 - WHAT IS A SCHOOL DISTRICT'S RESPONSIBILITY IN REVIEWING AN OPEN ENROLLMENT REQUEST?

A school district must grant a request for a transfer into the district or within the district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the district under S.D.C.L. § 13-28-44.

## QUESTION #3 - IS A SCHOOL DISTRICT REQUIRED TO PROVIDE TRANSPORTATION TO A STUDENT WHO TRANSFERS WITHIN THE DISTRICT?

No. If a student transfers from one school to another school within a school district at the request of the student's parent or guardian, the school district is not required to provide transportation services to the student.

## QUESTION #4 - IS A SCHOOL DISTRICT REQUIRED TO ACCEPT CREDITS FROM A TRANSFER STUDENT?

Yes. A school district must accept credits for any course completed in any other accredited school district under the open enrollment program. However, the nonresident district must award a diploma to a nonresident student only if the student satisfactorily meets its graduation requirements.

*For more about open enrollment in South Dakota, read Chapter 20 of The South Dakota School Law Deskbook.*

## ELECTRONIC NEWSLETTERS

Legal "talk" can be intimidating so we work hard to make sure the information we provide people is easy to read and understand. You won't find any "hereinafters" or "to wits" on our website, but you will find helpful and relevant legal information. In fact, you can have it delivered to your inbox every week **free of charge**...just email our Executive Director at Sara@SwierLaw.com for instructions.

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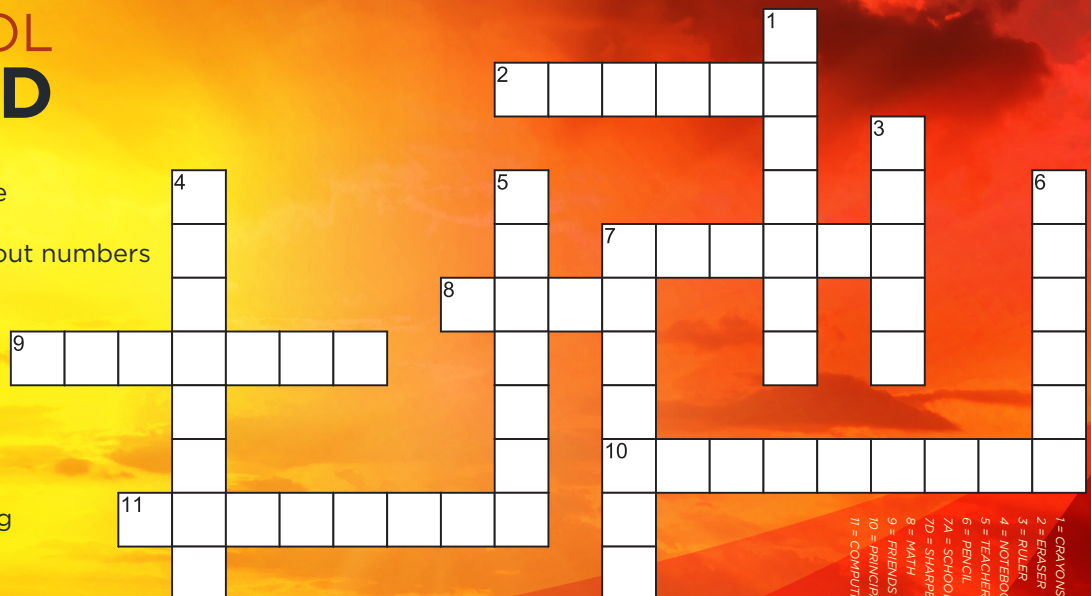
## BACK TO SCHOOL CROSSWORD

### ACROSS

- Helpful when you make a mistake
- Place to learn
- Subject in which you learn all about numbers
- People you like being around
- Person in charge of school
- You can connect to the internet with this

### DOWN

- Great tool for coloring
- You can use this to measure
- Book with blank pages for writing
- Person who helps you learn
- Tool you need for writing
- To put a point on a pencil



1 = CRAYONS  
2 = ERASER  
3 = RULER  
4 = NOTEBOOK  
5 = TEACHER  
6 = PENCIL  
7A = SCHOOL  
7B = SHARPEN  
8 = MATH  
9 = FRIENDS  
10 = PRINCIPAL  
11 = COMPUTER

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