

SOUTH DAKOTA School Law Notes



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Swier Law Firm to Present at School Administrators of South Dakota Legal Seminar

Scott Swier is scheduled to speak at the School Administrators of South Dakota Legal Seminar on Tuesday, April 7, 2015 in Chamberlain, South Dakota. Scott will cover a variety of school law topics at the Legal Seminar including:

- Texting, Sexting, and Cyberbullying
- Student Privacy and Online Accounts
- Student Due Process
- Search and Seizure in the Public School Environment

Scott leads the law firm's Education Law Practice Group and serves as an adjunct professor at the University of South Dakota School of Law where he teaches the popular "Education and the Law" course. He is also the author of numerous legal publications, including the School Administrators of South Dakota's monthly newsletter - South Dakota School Law Notes.





Q: In South Dakota, when does written notice of a recommendation to nonrenew a tenured teacher need to be made?

A: Under South Dakota law, after a teacher is in or beyond the fourth consecutive term of employment as a teacher with the school district (i.e., a “tenured teacher”), SDCL 13-43-6.1 and SDCL 13-43-6.2 apply to any nonrenewal of the teacher’s contract. On or before April fifteenth, the superintendent or chief executive officer shall notify the teacher and the school board in writing of the recommendation to not renew the teacher’s contract.



Q: What records of a South Dakota public school district’s business manager are open to public inspection?

A: Under South Dakota law, all reports, books, records, contracts, and papers in the business manager’s office relating to school district business must be kept in the business manager’s office and be open for review at all times to the president of the board, the secretary of the Department of Education and county auditor, and at reasonable hours to any voter or taxpayer.



Q: Can a South Dakota school district charge a fee for before or after school programs?

A: **Yes.** In South Dakota, a school board can charge a fee when providing programs either before or after the regular school term or school day (including weekends) for students who are of school age and are enrolled in a school within the district. However, the program provided by a school district for which a fee can be charged does not include any high school extracurricular activities.

Q: Can a South Dakota school district use email to contact parents or guardians?

A: **Yes.** Under South Dakota law, the parent or guardian of any student enrolled in a public school can choose to receive any notifications or correspondence from that school by electronic mail instead of regular mail if the parent or guardian provides to the school an electronic mail address to which the notifications or correspondence may be sent.



Scott Swier



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