

# SOUTH DAKOTA School Law Notes



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## Dr. Tim Mitchell Receives 2016 SASD-Swier Law Firm Legislative Leadership Award

On February 3, 2016, the inaugural School Administrators of South Dakota-Swier Law Firm "Legislative Leadership Award" was presented to Dr. Tim Mitchell of Rapid City.

Dr. Mitchell became the Superintendent of Schools for the Rapid City Area Schools on July 1, 2010. He previously served as the Superintendent of Schools for the Chamberlain School District from 1995-2010. He received his M.A. in Educational Administration (1995), his Ed.S in School Superintendency (2000), and his Ed.D in School Superintendency (2008) from the University of South Dakota.

Dr. Mitchell serves on the Executive Board of the South Dakota School Superintendents Association and was President during the 2005-2006 school year. For the 2014-2015 school year he was selected as SDSSA South Dakota Superintendent of the Year. Dr. Mitchell has served on the Executive Board of the School Administrators of South Dakota and was President for the 2006-2007 school year. He currently serves as the SASD's Legislative Chairperson. Dr. Mitchell served on



**Dr. Tim Mitchell and South Dakota Secretary of Education Dr. Melody Schopp**

*Continued on next page.*

*2016 SASD-Swier Law Firm Legislative Leadership Award*

the American Association of Administrators National Governing Board from 2008-2012. He currently serves on the AASA Executive Board representing Region 3. He is also member of the AASA Century Club, AASA Legislative Corp., and Horace Mann League. Dr. Mitchell also serves on the REL Central Advisory Board and has held the position of Chairperson since 2013.

The purpose of the Legislative Leadership Award is to recognize a school administrator who has provided exceptional service in governmental advocacy on behalf of the SASD.

“Swier Law Firm is honored to join with the SASD to sponsor the Legislative Leadership Award and to recognize Dr. Tim Mitchell’s achievements, which have made a lasting impact on public education in South Dakota,” said Scott Swier. “Our law firm recognizes the role played by our state’s school administrators in shaping and leading the future. Dr. Mitchell’s commitment to educational excellence is reflected in his dedication to making a difference in the lives of South Dakota’s students.”



**Q:** What impact does a first drug-related violation have on a student’s eligibility for extracurricular activities?

**A:** Any student adjudicated, convicted, placed in an informal adjustment or court-approved diversion program, or granted a suspended imposition of sentence or suspended adjudication of delinquency for possession, use, or distribution of controlled drugs or substances or marijuana as defined by SDCL 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by SDCL 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence.

**Q:** Under what circumstances may the one-year penalty for a first violation be reduced?

**A:** The one-year suspension may be reduced to thirty (30) calendar days if the student participates in an assessment with a certified or licensed addiction counselor. However, if the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities.





**Q:** May a school board impose a lesser penalty for a drug-related violation?

**A: No.** A school board may not impose a lesser consequence than those established in SDCL 13-32-9. However, school board may adopt a policy with more strict consequences to meet the needs of the school district.



**Q:** Does a school district have to provide students the opportunity to recite the pledge of allegiance?

**A: Yes.** A school district must provide students the opportunity to salute the United States and the flag each day by reciting the pledge of allegiance.



Scott Swier



Brooke Schloss



Jake Fischer



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