

## **SCHOOL DISTRICT LEGAL STATUS**

The United States Constitution leaves to the individual states responsibility for public education.

In South Dakota, the legislature is charged by the Constitution "to establish and maintain a general and uniform system of public schools" which is open to all children and free from sectarian control.

The State Board of Education is responsible for the adoption of all policies for the government of the Division of Elementary and Secondary Education, and for the adoption and implementation of regulations for supervising the elementary and secondary schools.

School Districts exist for the purpose of operating a school or schools to provide the people of each local community adequate opportunity to avail themselves of a free public elementary and secondary education program.

This School District constitutes a school corporation under the name of Brookings School District, No. 5-1 of Brookings County, South Dakota.

**Legal References:** US Constitution, Tenth Amendment (Powers of the states and people)  
[SD Constitution Article 22 \(Compact with the United States\)](#)  
[SD Constitution Article 26-18 \(Freedom of religion\)](#)  
[SD Constitution Article 8-1 \(Uniform system of free public schools\)](#)  
[SDCL 13-5-1 \(School districts defined\)](#)  
[SDCL 13-5-14 \(School districts overlapping county boundaries\)](#)  
[SDCL 13-5-15 \(School districts as corporations\)](#)  
[SDCL 13-5-16 \(Naming and numbering of school districts\)](#)  
[SDCL 13-5-17 \(Recording of school dist. names, #'s & boundaries\)](#)  
[SDCL 13-5-17.1 \(Change of name of school district\)](#)  
[SDCL 13-5-2 \(Types of school districts abolished\)](#)  
[SDCL 13-5-29 \(Vested contract rights not impaired\)](#)  
[SDCL 13-6 \(School district reorganization\)](#)

**Cross References:** [BB: School Board Legal Status](#)

**1<sup>st</sup> Reading:** 03/11/2013

**2<sup>nd</sup>/Final Reading:** 04/15/2013