

STUDENT CONDUCT ACTIVITIES RULES (Grades 7-12) - ALCOHOL, TOBACCO, E-CIGARETTES, VAPING DEVICES, AND CONTROLLED SUBSTANCES

During the entire calendar year, including the season of practice and the off-season, regardless of the quantity, a student shall not use or consume, have in possession, buy, sell, or give away alcohol, tobacco, e-cigarettes, or vaping devices. Controlled substances will also be governed by SDCL 13-32-9, 9.1, 9.2, 22-42, and 22-42-15. The Brandon Valley School District retains an active membership in the South Dakota High School Activities Association, and in doing so, approves and abides by the constitution. Bylaws can be found in the offices of the Superintendent of schools and the building principal.

1. First Violation

After notification or admission of the first violation, the student shall be suspended from participation in all student activity events for fourteen (14) consecutive calendar days or two student activity events, whichever is greater. Penalty will not exceed fifty percent (50%) of the scheduled events in any one student activity. Weeks of practice, which are absent of competition/performance, cannot be counted. If the activity is competitive, non-competitive events during the suspension will not count towards the suspension.

2. Second Violation

After confirmation of the second violation, the student shall be suspended from participation in all student activity events for 28 consecutive calendar days, or four student activity events, whichever is greater. Weeks of practice, which are absent of competition/performance, cannot be counted. If the activity is competitive, non-competitive events during the suspension will not count towards the suspension.

3. Third Violation

After confirmation of the third or subsequent violations, the student shall lose eligibility for one full year from the date of the violation.

It is mandatory that before being readmitted to activities following suspension for a third violation, the person participates in an assessment with a certified chemical dependency counselor or completes an accredited intensive prevention or treatment program. 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.

4. Considerations

- a. E-Cigarettes or vaping devices, in any form, will be considered a tobacco violation.
- b. Rules are in effect for the entire calendar year.
- c. Violations are cumulative throughout the entire school career (grades 9-12).
- d. Practice weeks, in which no contests/performance are scheduled, cannot be counted as penalty weeks. If the activity is competitive, non-competitive events during the suspension will not count towards the suspension.
- e. Scrimmages and public rehearsals will not count towards penalty reduction. Participation in these types of activities will be at the discretion of the coach and activities director.
- f. Violations carry over from one activity to the next or from one school year to the next. If the violation occurs during the off-season, the suspension will be invoked at the beginning of the next activity season in which the student shall participate or the next school year.

Example: First violation occurs during the off-season in the spring. The suspension will be enforced during the first activity season the student shall participate in beginning the next school year. If the season does not allow the athlete to successfully complete the suspension, the suspension will carry over to the next season in which the student participates and competes/performs. For the suspension to be fulfilled, the student must complete the activity season in which the suspension is being carried out.

- g. It will be at the discretion of the coach/activities director as to whether the individual would practice during the suspension. Also at the discretion of the coach/activities director, the individual will be eligible to attend the event(s). The individual would, in no way, be able to participate in the activity. A student may not practice or attend any team events during a suspension for the third violation.
- h. Suspensions may include more than one activity depending upon the time of the violation.
- i. Any student beginning at Brandon Valley Schools will be subject to these rules upon enrollment in school. Further, any student ineligible, due to an activities violation at the former school, will have that suspension served according to Brandon Valley Activities Rules.

- j. Suspension length for each specific activity will be determined by using the SDHSAA allowable contests formula. One contest in the formula will count as one event of the suspension. Example: A basketball game is one contest. A wrestling triangular is one contest.
- 5. Reporting
 - a. The above rules apply if the report is made and substantiated by a Brandon Valley public schools staff member, legal authorities, parent(s) of the individual involved, or the individual's voluntary admission.
 - b. A student who violates the terms of the activities rules, and is cited by law enforcement, shall inform school officials of the violation by the end of the next school day and serve the required suspension. If the student is found to be in violation, without notification to school officials, the student may be dismissed from that activity for the remainder of the season.
- 6. Controlled Substance

SDCL 13-32-9 SUSPENSION FROM EXTRACURRICULAR ACTIVITIES FOR CONTROLLED SUBSTANCE VIOLATIONS.

13-32-9. Suspension from extracurricular activities for controlled substances violation--Unified Judicial System to give certain notices. Any person 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 as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 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. The one-year suspension may be reduced to thirty calendar days if the person participates in an assessment with a certified or licensed addiction counselor. **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.** Upon a second adjudication, conviction, diversion, or suspended imposition of a sentence for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one year suspension may be reduced to sixty calendar days if the person completes an accredited intensive prevention or treatment program. 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 as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding, the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity. The Unified Judicial System shall give notice to the chief administrators of secondary schools accredited by the Department of Education for any such determination in a court proceeding for any person eighteen to twenty-one years of age without regard to current status in school or involvement in extracurricular activities. The notice shall include name, date of birth, city of residence, and offense. The chief administrator shall give notice to the South Dakota High School Activities Association if any such person is participating in extracurricular activities. Upon placement of the person in an informal adjustment or court-approved diversion program, the state's attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity.

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South

Dakota High School Activities Association and/or the Brandon Valley School District. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

13-32-9.1. Consequences imposed by local school districts. No local school board may impose a lesser consequence than those established in § 13-32-9, but a local school district may adopt a policy, by local school board action, with more strict consequences to meet the needs of the district.

Source: SL 2014, ch 88, § 2.

13-32-9.2. Reduced suspensions--Commencement of suspension. If a suspension is reduced pursuant to § 13-32-9, a suspension for a first offense shall make the student ineligible for a minimum of (four) South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. If a suspension is reduced pursuant to § 13-32-9, a suspension for a second offense shall make the student ineligible for a minimum of (eight) South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. To count toward the minimum number of events the student must participate in the entire activity season and may not drop out or quit the activity to avoid suspension and the failure of a student to complete the entire activity season shall result 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 the 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 shall carry over to the next activity season in which the student participates.

A suspension begins on:

1. The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or
2. The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association. An Act to revise the minimum suspension requirements for students participating in extracurricular activities.

Source: SL 2014, ch 88, § 3.

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association.

REVISED 2006 LEGISLATIVE SESSION

AMENDED 2010 LEGISLATIVE SESSION

AMENDED 2014 LESISLATIVE SESSION

7. Activities

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| <u>Athletics:</u> | Baseball (sanctioned only) | Boys or Girls Soccer |
| | Boys or Girls Basketball | Boys or Girls Tennis |
| | Boys or Girls Bowling (sanctioned only) | Boys or Girls Track |
| | Competition and Sideline Cheer | Volleyball |
| | Cross Country | Wrestling |
| | Competition Dance Team | Boys or Girls Golf |
| | Girls Fast-Pitch Softball | Football |

Activities:

- Band (any combination of pep band, marching band, jazz band, symphonic band, musical pit band,

competition bands)

- Drama/Speech (any combination of One Act Play, Oral Interp, Fall Play, Musical)
- Orchestra
- Vocal Music (any combination of Mixed Choir, Concert Choir, Musical, Competition Choir)
- Other: Including, but not limited to: National Honor Society, Homecoming Royalty, Student Government
- And any other student activity - henceforth defined as a public presentation, performance, competition, trip or school sponsored/sanctioned event.