

Activities - Code of Conduct Policy

Philosophy:

- The emotional and physical safety and well-being of the students and employees of the Beresford School District is of paramount importance. Students participating in school activities are expected to conduct themselves with respect for self and others through their conduct and actions within and outside the school.
- The Beresford School District Co-curricular Activities Code of Conduct is a year-round policy that is cumulative throughout a student's four years of high school.
- The Beresford School District recognizes the use of mood-altering chemicals such as narcotics, alcohol, tobacco, and other drugs, as a significant health problem for many adolescents, resulting in negative effects on behavior, learning and the total development of the individual.
- Students who use prescription drugs or medical cannabis by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.
- The Beresford School District recognizes certain conduct that is criminal in nature can be detrimental to our school's students and programs.
- Beresford School District recognizes that activities provide advisors and coaches the unique opportunity to observe, mentor and assist young people.
- Therefore, the Beresford School District supports education and awareness training in adolescent development and special issues for administrators, coaches, advisors, students and their families.

Purpose:

The primary purposes of code of conduct rules are to:

1. Get help for students if they need it and to involve and inform parents.
2. Emphasize the schools' concern for the emotional and physical health of students in areas of safety while participating in activities.
3. Promote equity and a sense of order and discipline among students.

4. Conform to and support existing state laws which restrict the use of mood-altering chemicals and criminal activity
5. Establish standards of conduct for those students who are leaders and participants in activities among their peers.
6. Assist students who desire to resist peer pressure.

The Co-curricular Activity Policy in regards to the use of mood-altering chemicals:

Regardless of the quantity, a student shall not possess, use, transfer, conceal, sell, attempt to sell, deliver nor be under the influence of narcotics, alcohol, tobacco, other drugs, and, materials/substances represented to be a drug or controlled substance, or chemical substances which can affect a student's well being and the educational process. Students shall not engage in drug use/abuse nor possess drug paraphernalia specific to the use of mood-altering chemicals. Established school policy and state law are violated, regardless of parental attitudes, if the student disregards the Code of Conduct policy. Students who use prescription drugs authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

This policy is in effect outside of school and on property owned, leased, maintained by the school district, at all school-sanctioned activities on and off-campus, on school vehicles used to transport students to and from school or at other activities and in vehicles parked on school property.

This policy is for all school co-curricular activities and school-sponsored activities. For purposes of this policy, school activities include, but are not limited to: athletics; band; flags; vocal music; cheerleading; student council; debate and speech; oral interpretation; drama; FFA; FCCLA; Beresonian; yearbook; royalty candidates; quiz bowl; NHS; and any other student activity which is organized and administered by school personnel and which is an authorized activity of the school.

Proper law enforcement authorities and/or the school administration will deal with any student who violates this policy.

Violations and Recommendations:

The Co-Curricular Code of Conduct Policy applies to the following situations:

1. When the school is notified of a violation by legal authorities;
2. When a student is convicted of an applicable violation in a court of law; or

3. When a student admits guilt of an applicable violation to the principal or activities administrator; or
4. When a parent notifies the principal or activities administrator of an applicable violation by their child; or
5. When a staff member is witness to an applicable violation by the child and brings it to the principal or activities administrator—the child must be present when the violation is brought forth.

1st Violation

Suspension from co-curricular activities will be six weeks (30 school days) or 4 consecutive events, whichever is greater from the date the student admits the violation or from the date the school is notified by legal authorities. It is up to the discretion of the coach, advisor, director, or parent whether the student will continue to practice during the suspension.

Probation will be possible if:

1. the student admits to the violation within 24 hours of the infraction to the principal, activities director, or coach/advisor, and
2. the student/parents agree to have the student take an alcohol, tobacco, and/or drug assessment and follow the recommendations of the agency administering the assessment.

If the student chooses to take the probation option, suspension time from co-curricular activities will be cut to three weeks (15 school days) or 2 consecutive events whichever is greater if the above two conditions have been satisfied or are in the process of being completed. The Parent and Student Acknowledgement of Receipt of Co-Curricular Code of Conduct Activity Rule Violation Letter and Policy form must be returned to the principal's office before the probation can begin.

2nd Violation

Suspension from co-curricular activities will be twelve weeks (60 school days) or 8 consecutive events whichever is greater from the date the student admits the violation or from the date the school is notified by legal authorities. It is up to the discretion of the coach, advisor, director, or parent whether the student will continue to practice during the suspension.

Probation will be possible if:

1. the student admits to the violation within 24 hours of the infraction to the principal, activities director, or coach/advisor, and
2. the student/parents agree to have the student take an alcohol, tobacco, and/or drug assessment and follow the recommendations of the agency administering the assessment.

If the student chooses to take the probation option, suspension time from co-curricular activities will be cut to six weeks (30 school days) or 4 consecutive events whichever is greater if the above two conditions have been satisfied or are in the process of being completed. The Parent and Student Acknowledgement of Receipt of Co-Curricular Code of Conduct Activity Rule Violation Letter and Policy form must be returned to the principal's office before the probation can begin.

3rd Violation (and any additional violations)

Suspension from co-curricular activities will be twenty-four weeks (120 school days) or 16 consecutive events whichever is greater from the date student admits the violation or the school is notified by legal authorities. It is up to the discretion of the coach, advisor, director, or parent whether the student will continue to practice during the suspension.

Probation will be possible if:

1. the student admits to the violation within 24 hours of the infraction to the principal, activities director, or coach/advisor, and
2. the student/parents agree to have student take an alcohol, tobacco, and/or drug assessment and follow the recommendations of the agency administering the assessment.

If the student chooses to take the probation option, suspension time from co-curricular activities will be cut to twelve weeks (60 school days) or 8 consecutive events whichever is greater if the above two conditions have been satisfied or are in the process of being completed. The Parent and Student Acknowledgement of Receipt of Co-Curricular Code of Conduct Activity Rule Violation Letter and Policy form must be returned to the principal's office before the probation can begin.

Note the following points of clarification:

- A school day is defined as a day of academic student contact Monday through Friday based on the adopted school calendar, excluding holidays and all day teacher in-services.
- A one-day event that includes multiple games/activities will count as one event for purposes of the code of conduct.

- The student/parent/guardian will set up the alcohol, tobacco, or drug assessment for the student.
- The school can provide parents with a list of treatment centers that provide alcohol, drug, or tobacco assessments.
- Once the assessment is completed, parents are encouraged to schedule an appointment with the assessment counselor so he/she can explain the assessment process, results, and recommendations.
- Costs of further assessments and recommendations of the agency are at the expense of the parents and/or the student. At a minimum the student will be required to complete a drug and alcohol education class.
- The student/parent/guardian will provide the school documentation that the initial assessment has been completed.
- The activity director and principal will monitor that progress is being made in a timely manner and that the student is following the recommendations of the assessment agency.
- The student/parent/guardian will provide the school documentation that the assessment recommendations have been completed.
- Failure to complete the probation terms will result in the following:
 - student will lose any opportunity for future probation options, and
 - student will lose eligibility in all school co-curricular and school-sponsored activities until the provisions of the probation have been completed.

South Dakota Codified Law 13-32-9: *Revised during the 2014 Legislative Session, 2015 Legislative Session and reviewed June 6, 2017*

13-32-9. Suspension from extracurricular activities for controlled substances violation--Unified Judicial System to give certain notices.

Any student 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 student 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.

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 two South Dakota High School Activities Association sanctioned events. If the two sanctioned events do not take place within the reduced suspension period, the student's suspension remains in effect until two sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

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 student 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.

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 six South Dakota High School Activities Association sanctioned events. If the six sanctioned events do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible to have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

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 student 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 student 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.

To count towards 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 informal 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. In addition, a suspension that is reduced pursuant to 13-32-9 is only in effect during the South Dakota High School Activities Association's activity year, which begins on the first day of its first sanctioned event and concludes the last day of its last sanctioned event. A reduced suspension that is not completed by the end of one activity year shall carry over to the next activity year.

A suspension begins: a) 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 b) the day following the student's admission to a school administrator that the student committed an offense, 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.

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. Students are ineligible to participate in activity events, competitions, and performances, but a local school district may allow a student to participate in practices.

Point of Clarification:

In order for events to count toward the minimum number of events for which the student is ineligible following a reduction in the suspension for a first or second offense, the student must participate in the entire activity season. A suspension that is not completed by the student during one activity season carries over to the next activity season in which the student participates.

Definitions:

For the purposes of this policy, tobacco means any substance or item, in any form, containing tobacco. The administration will treat the use, possession or promotion of all forms of nicotine-containing products or nicotine delivery devices, which may or may not include actual tobacco, as a violation of this policy unless the product or device is part of an individual's tobacco cessation program. Definition obtained from Board Policy -AEA-R

The Co-curricular Activity Policy in regards to unacceptable behavior:

Any student who is convicted of or adjudicated of a crime of violence as defined in SDCL 22-1-2(9)* or any amendment thereto, or who is required to register as a sex offender under the laws of the State of South Dakota, will be subject to suspension or removal from school activities. Upon being notified of a conviction or adjudication of a crime of violence or the registration of a student as a sex offender, the administration will make every effort to act fairly and quickly in addressing the situation. The best interest of the student, school and community will be considered. The administration will handle each situation on an individual basis. In the event the student is not satisfied with the decision of the administration concerning any suspension or removal from activities, the same may be appealed to the Board of Education for final determination and action.

For purposes of this policy, school activities include, but are not limited to: athletics; band; flags; vocal music; cheerleading; student council; debate and speech; oral interpretation; drama; FFA; FCCLA; Beresonian; yearbook; royalty

candidates; quiz bowl; NHS; and any other student activity which is organized and administered by school personnel and which is an authorized activity of the school.

*As of July 1, 2015, SDCL 22-1-2(9) defines "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device.

Elastic Clause:

If any situation not specifically covered in this policy should arise, the administration will make every effort to act fairly and quickly in addressing the situation. The best interest of the student, school and community will be considered. The administration will handle each situation on an individual basis. In the event the student is not satisfied with the decision of the administration concerning any suspension or removal from activities, the same may be appealed to the Board of Education for final determination and action.

{July 2008} {March 2009} [March 2014] [August 2014] [August 2015] [September 2021]