

LEARNER CONDUCT - LEARNER ACTIVITIES**General Statement of Philosophy:**

The Brookings School District (BSD) encourages learners to participate in activities due to the benefits of such participation. The (BSD) also recognizes the need to establish a code of conduct for activity participants that reinforces behaviors that reflect positively on the individual, school, and community.

1. Learner participation in learner activities is a privilege, rather than a right, and
2. Learners who voluntarily exercise the privilege of participating in learner activities shall, consequently, be expected to exemplify high standards of behavior, and
3. The program of learner activities should address the need for good order and a concern for learner health and safety.

Definitions:

1. "Extracurricular activity" shall apply to all performing or competitive activities including, but not limited to, the following: all interscholastic activities, co-curricular activities, and clubs recognized by the Brookings School District.
2. "Activity advisor" shall apply to any employee of the (BSD) who is assigned the responsibility for coaching, directing, or advising an activity.
3. "Public appearance" means learners cannot travel or be in attendance at any organized public event associated with the activity(ies) during suspension.
4. "Year-round" shall mean, 24-hours a day, 365 days a year.
 - a. Conduct violations for seventh and eighth grade learners shall commence on the first day of each school year or the first day the activity commences if it's before the start of the school year.
 - b. Conduct violations for high school learners shall commence on the first day of the freshman year or the first day of an activity if a freshman becomes a member of an activity that starts before the first day of the freshman year of school.
5. "Suspension" for a violation not governed by SDCL 13-32-9 begins with the date of adjudication (as determined) by school officials. Learners participating in activities will be adjudicated and begin a suspension when a conduct violation becomes evident. Learners not involved in an extracurricular activity when a conduct violation becomes evident, will be adjudicated when they become a member of an extracurricular activity. "Suspension" for a violation governed by SDCL 13-32-9 begins: (1) on the day following notification to a school administrator by the judicial system that a learner has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of sentence or a suspended adjudication of delinquency and the school administrator gives notice to the South Dakota High School Activities Association, or (2) the day following the learner's admission to a school administrator that the learner committed an offense enumerated in subdivision (1), which shall be made with the learner's parent or guardian present if the learner is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association. A suspension that is not completed by the learner during one activity season shall carry over to the next activity season in which the learner participates. In addition, a suspension that is reduced pursuant to SDCL 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 on the last day of its last sanctioned event. A reduced suspension that is not completed by the end of the one activity year shall carry over to the next activity year.

6. "Crime" shall mean a violation of any city, state, or federal law, excluding Class II misdemeanors and all motor vehicle offenses not classified as felonies.
7. "Evidence" of a violation may be the result of:
 - a. Information received from law enforcement or court services personnel which provides reasonable cause to believe that an infraction has occurred;
 - b. A learner found guilty, pled guilty, or enters a no contest plea in either juvenile court or adult criminal court;
 - c. A self-reported violation by either the parent or learner; or
 - d. An observed violation reported by a staff member.
 - e. An image or video identifying a violation.

General Policy Statements:

1. The Code of Conduct is in force, year-round, for all learners in grades 7-12, participating in extracurricular activities under the auspices of the BSD.
2. The possession, use, distribution, ingesting, inhaling or otherwise taking into the body of tobacco, alcohol, anabolic steroids, controlled drugs or substances or marijuana is a violation of the Code of Conduct.
3. All other crimes as defined in this policy are a violation of the Code of Conduct.
4. The administration reserves the right to determine appropriate consequences for all criminal or civil violations or behavior not previously addressed in this policy that is determined detrimental to the representation of the school in any activity.
5. The Brookings School District will utilize and comply with all South Dakota Codified Laws in the implementation of this policy.
6. Learners leaving eighth (8th) grade will have their previous violations expunged.
7. Conduct violations are cumulative from grades nine (9) through twelve (12). All violations will, however, be expunged after eighteen (18) months without further violations, with the exception of violations of SDCL 13-32-9.
8. A learner must successfully complete an activity season in order to satisfy a suspension.
9. The principal, or the principal's designee, shall be responsible for the fair and equitable administration of the Code of Conduct.
10. Learners in violation of the Code of Conduct are subject to the following consequences:

Consequences:

1. SDCL 13-32-9 Violation

- a. First Violation - any person adjudicated, convicted, the subject of an informal adjustment or court-approved juvenile diversion program, or the subject of a 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, 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 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 learner is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. If a first violation suspension is reduced, the learner is ineligible for a minimum of two (2) School sponsored or South Dakota High School Activities Association sanctioned events. If two sanctioned events for which the learner is ineligible do not take place within the reduced suspension period, the learner's suspension remains in effect until two sanctioned events for which the learner is ineligible have taken place.

- b. Second Violation - Upon a second adjunction, 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, that person 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 sixty calendar days if 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 higher level of care, the learner is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. If a second violation suspension is reduced the learner is ineligible for a minimum of six (6) School sponsored or South Dakota High School Activities Association sanctioned events. If six (6) sanctioned events for which the learner is ineligible do not take place within the reduced suspension period, the learner's suspension remains in effect until six (6) sanctioned events for which the learner is ineligible have taken place.

To count toward the minimum number of events, the learner must participate in the entire activity season and may not drop out or quit the activity to avoid suspension and the failure of the learner to complete the entire activity season shall result in the learner being ineligible for one year from the date of adjudication, conviction, diversion or suspended imposition of sentence for suspended adjudication of delinquency. A suspension that is not completed by the learner during one activity season shall carry over to the next activity season in which the learner participated.

- c. Third or subsequent Violation - that person is ineligible to participate in any activity at any school accredited by the Department of Education.

2. Non-SDCL 13-32-9 Violations and Crimes

- First Violation **Penalty**
 - **Penalty:** After confirmation of the first violation, the learner shall lose eligibility in extra-curricular activities for 20% of the total number of originally scheduled regular season interscholastic events (rounded up at .5; minimum of one). If the learner is participating in multiple activities during the violation, he/she will lose eligibility for 20% of each activity's regularly scheduled interscholastic events. If the learner is not currently participating in an extra-curricular activity, he/she will serve the suspension in the next activity which he/she is involved. (The official starting date of practice will determine the next activity). the next two consecutive interscholastic events or two weeks of a season in which the learner is a participant, whichever is greater, and the learner will participate in a local education program through which the learner will receive information about the effects of misuse or abuse of mood-altering chemicals. When deemed appropriate, school administrators are to refer a learner to a community agency or a professional individual outside the school for assessment of potential chemical abuse or misuse. There is no suspension reduction for a learner who becomes a participant in a treatment program.
 - In addition, learners will be ineligible to represent the Brookings School District in the next school-sanctioned leadership group in which they participate. These groups include, but are not limited to, Homecoming Royalty, Girls/Boys State, Student Council, National Honor Society, or Monogram Club, for one calendar year from the violation.
 - The learner will participate in a local education program through which the learner will receive information about the effects of misuse or abuse of mood-altering chemicals. When deemed

appropriate, school administrators are to refer a learner to a community agency or a professional individual outside the school for assessment of potential chemical abuse or misuse. There is no reduction for a learner who becomes a participant in a treatment program.

- **Second Violation Penalty**

- **Penalty:** After confirmation of the second violation, the learner shall lose eligibility in extra-curricular activities for 50% of the total number of originally scheduled regular season interscholastic events (rounded up at .5; minimum of one). If the learner is participating in multiple activities during the violation, he/she will lose eligibility for 50% of each activity's regularly scheduled interscholastic events. If the learner is not currently participating in an extra-curricular activity, he/she will serve the suspension in the next activity which he/she is involved in. (The official starting date of practice will determine the next activity). ~~the next six consecutive inter-scholastic events in which the learner is a participant. Before being re-admitted to activities following suspension for the second violation, the learner shall show evidence in writing that the learner has sought or has received counseling from a community agency or professional individual such as a school counselor, drug counselor, medical doctor, psychiatrist, or psychologist. There is no suspension reduction for a learner who becomes a participant in a treatment program.~~
- In addition, learners will be ineligible to represent the Brookings School District in any school-sanctioned leadership group in which they participate for the twelve (12) months. These groups include, but are not limited to, Homecoming Royalty, Girls/Boys State, Student Council, National Honor Society, or Monogram Club, for one calendar year from the violation.
- The learner will participate in a local education program through which the learner will receive information about the effects of misuse or abuse of mood-altering chemicals. When deemed appropriate, school administrators are to refer a learner to a community agency or a professional individual outside the school for assessment of potential chemical abuse or misuse. There is no reduction for a learner who becomes a participant in a treatment program.

- **Third Violation Penalty**

- **Penalty:** After confirmation of the third or subsequent violations, the learner shall lose eligibility ~~the next twelve consecutive interscholastic events in which the learner is a participant and must enroll in a chemical dependency or treatment program. The learner may be certified for reinstatement in school sponsored or SDHSAA activities following confirmation of program completion by the director or a counselor of a chemical dependency treatment center and twelve consecutive interscholastic events. There is no suspension reduction for a learner who becomes a participant in a treatment program.~~ to participate in all extra-curricular activities for one (1) calendar year from the date of violation.
- In addition, learners will be ineligible to represent the Brookings School District in any school-sanctioned leadership group in which they participate in for the remainder of their time in high school. These groups include, but are not limited to, Homecoming Royalty, Girls/Boys State, Student Council, National Honor Society, or Monogram Club, for one (1) calendar year from the violation.
- The learner may request reinstatement in school sponsored or SDHSAA activities following confirmation of program completion by the director or counselor of a chemical dependency treatment center and suspension of 75% of consecutive extra-curricular, interscholastic events in which the learner participates.

Penalties shall be accumulative beginning with and throughout the student's participation in a varsity or sub-varsity activity.

Grievance Procedure:

A learner with a grievance regarding a decision for violation of code of conduct shall file form "JFH-E(1)" with the building principal, indicating the following. That:

1. A rule is unfair;

2. A rule in practice discriminates against or between learners based on gender, age, race, color, religion, national origin, or handicap;
3. School personnel used an unfair procedure in assessing a form of punishment against a learner.

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