

BISMARCK PUBLIC SCHOOL DISTRICT NO. 1 BISMARCK, NORTH DAKOTA, 58501 ADMINISTRATIVE RULE: Participation in Co-Curricular Activities	Descriptor Code:	Issued Date:
	IDFB-R	04/13/2009
	Rescinds:	Issued:
	IDFB-R	04/28/2008

The use or possession of tobacco, alcohol or any controlled substance as defined by the North Dakota Century Code is prohibited. Any student who is in violation of the foregoing shall be declared ineligible from participation in interscholastic contests or activities for a minimum period of six consecutive weeks for the first offense and a period of eighteen consecutive school weeks for any subsequent offense. The period of ineligibility shall begin from the date and time notification is given to the student by the school administration (NDHSAA Constitution and By Laws).

“Mere Presence” - Being in attendance at a function, in a vehicle or at a party where the student knows or has reason to know that alcohol or other drugs are being consumed illegally by minors and failing to leave despite having a reasonable opportunity to do so is a violation. When a student recognizes this situation, he/she must leave immediately or is in violation of the Bismarck Public Schools tobacco, alcohol or any controlled substance rule. The administration will take into consideration whether the student was at a gathering where the student had knowledge that alcohol, tobacco or controlled substance were present, and whether or not the student had a reasonable opportunity to remove him or herself from said location.

Note: A student may be reinstated for co-curricular activities upon completion of an inpatient alcohol or drug treatment program provided the student or school provide a signed completion report from said treatment center to the NDHSAA office and eligibility is approved by the local administration (NDHSAA Constitution and By Laws).

Procedure for an Alleged Violation

The designated school administrator shall immediately investigate any alleged violation of the alcohol, tobacco and controlled substance rule or other violation of the policy that is made known to the administrator. If the administrator finds reasonable grounds to believe that this rule, or other policy, has been violated he/she shall give the student and his/her parents or guardian notice as provided below.

The period of ineligibility shall begin from the date and time the school administrator notifies the student. The student shall have the right to a hearing within three days after such notification. During the period between notification and hearing, the period of ineligibility may be deferred for good cause shown. The hearing shall be conducted by the school administrator, with reasonable prior notice to the student and his/her parents or guardian. The student shall have the right to be present and to offer such explanation and other evidence as the student deems necessary and material to the violation alleged.

Anonymous Reports

Anonymous reports (i.e. - phone calls, letters, pictures) regarding alleged violations are difficult to address because the credibility is easily questioned. When an anonymous complaint is received, it is the administrator’s responsibility to attempt to validate the content of the complaint. If the administration finds the content is valid, the administration shall conduct an investigation. If the administration determines a violation has occurred, the administration shall enforce the policy.

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In-season Penalty: Penalty shall be 6 weeks for 1st offense and 18 weeks for 2nd offense (NDHSAA Section XII). Period of ineligibility will start at the time the student is notified of the violation by the administration.

Out of Season Penalty (Includes Summer): Penalty shall be 6 weeks for 1st offense and 18 weeks for 2nd offense (NDHSAA Section XII). Period of ineligibility will start at the time the student is notified of the violation by the administration. In addition, there will be a 2 week period of ineligibility from the first authorized date of competition/performance for the activity in which they will be participating. Participants in activities that do not have a contest/performance in the two week window will be ineligible for their first contest/performance. It should be noted that the 2 week period of ineligibility may run concurrent with the 6 week or 18 week period of ineligibility starting from the first authorized date of competition/performance for the activity they are participating in. *Ex. Student has alcohol violation in October but does not participate in any activity until track. Student serves the 6 or 18 week period of ineligibility starting October 4 which is the time the school is notified and then serves the two week period of ineligibility from the first authorized date of competition for track.* To satisfy the 2 week requirement, the student must remain with the program in which the period of ineligibility was served through the completion of the season.

Intervention, Education and Evaluation

Before a student is reinstated to co-curricular activities, they must both sit out their period of ineligibility and complete a drug, alcohol, or tobacco education/intervention program (whichever applies to their violation). This program must be pre-approved by the building administration. It is the responsibility of the student to provide certification of completion to the school before being reinstated for activities.

Accumulation of consequence for ineligibility is active for one calendar year. The last day of school for students (as defined by the district calendar) will be the conclusion date of all violations for that academic year and the start for the upcoming academic year. An exception to this would be a student who is deemed ineligible and their activity extends beyond the ending date of school. They would remain ineligible until the conclusion of their activity or their period of ineligibility expires.

Leadership Roles – Recognitions - Awards

Leadership Role

Any student who has a violation will not be eligible for a leadership role for the remainder of the current school year beginning from the date the school is notified of the violation.

Recognition - Awards

Any student, who has a violation that occurs during the season or prior to the banquet, will not be awarded a letter or receive any other recognition/awards for that activity.

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Interpretations

What if the student is in football and deemed ineligible in early July?

The six week period of ineligibility will expire by the middle of August, so the student would not have missed any football. Therefore, the student will miss the first two weeks of the football season from the first authorized contest.

What if the student has a violation in July and only plays basketball in the winter?

The six week period of ineligibility will expire by the middle of August, so the student would not have missed any basketball. Therefore, the student will miss the first two weeks of the season from the first authorized contest.

What if the student is deemed ineligible in July, and plays basketball, but goes out for cross-country?

If a student is ineligible for 2 weeks because of an out-of-season violation, he may serve that period of ineligibility in a similar activity (i.e. sport for another sport; performing arts for performing arts). The student will miss two weeks of cross-country from the first authorized contest and then be eligible to compete for the rest of the cross-country season and for basketball. The student must complete the cross-country season to re-establish eligibility for basketball.

What if a student is in band and basketball?

Since band is a performing arts activity and basketball is an athletic activity, the period of ineligibility in one does not supplant the period of ineligibility in the other. Therefore, both activities are subject to the out-of-season penalty.

What if a track athlete, has a summer violation and isn't in anything until track, then he or she has another violation during September of the same year?

If the second violation occurs before the 2 week period of ineligibility from the first infraction is served then the student would have an additional 4 week period of ineligibility the next time he or she participates. The six week and 18 week periods of ineligibility would still be applied beginning on the date the district is notified.

What if the student is in band, and has a summer period of ineligibility in July?

The six week period of ineligibility will expire by the middle of August, so the student would not have missed any band. Therefore, the student will be ineligible for 2 weeks from the first allowable contest or first day of school (whichever comes first). If no event takes place in this two week window, they will be ineligible for their first performance.

What if the student has a summer violation and wants to attend the Grand March of the Prom?

The 2 week and 4 week out of season penalty only applies to activities which have a defined season. Single event performances (i.e. National Honor Society, Grand March of the Prom, Ethics Day, etc.) do not have a defined season and subsequently do not fall under out of season penalty. However, if the student is currently under an active 6 week or 18 week period of ineligibility, they will be deemed ineligible for such events.

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What does the period of ineligibility cover?

Students who are deemed ineligible cannot represent the school. They cannot travel out of the school with school clubs or activities, they cannot miss school, and they cannot perform in public with the activity or club. They are encouraged to practice with the activity or club, attend meetings in the school, and participate in school level activities.

What is defined as a season?

- For athletics it is from the beginning date of practice to the day of the banquet.
- For drama it is from the beginning of practice to the final strike date.
- For speech and debate, it is during the defined seasons.
- For music, DECA, student council, etc., it is the school year.

If a student is deemed ineligible during the season, they will not receive a letter or any end of the season awards. This would mean such honors as most valuable player, defensive player of the year, etc. Awards that are given by outside groups are allowed, such as all state, starting at state in music, all WDA, etc. These are awards chosen by other groups and the school does not control. If the period of ineligibility occurred before the season, the student is eligible to receive awards and letters.

What if the period of ineligibility occurs between the state tournament and the banquet?

The season does not end until the banquet; therefore, the student is not eligible for awards at the banquet.

Can the student attend the banquet?

Yes, they can attend, but they will not receive awards or letters.

What are considered Leadership positions?

Officers of clubs, captains of teams, royalty are all examples of Leadership Positions.

Can you run for an office in the student council during the time you are deemed ineligible, if the period of ineligibility will be completed by the next year?

No, any activity that requires self promotion such as an election would be considered a public performance or appearance and therefore falls within the above outlined period of ineligibility.