

SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION

CONSTITUTION AND BYLAWS

July 1, 2024

All Provisions of the Bylaws Effective to June 30, 2025

BOARD OF DIRECTORS

Trent Osborne – East River At-Large Representative Ipswich
Term Ends June 30, 2025

Randy Hartmann – School Board, Large School Group Pierre School District
Term Ends June 30, 2028

Dr. Jeff Danielsen – Division II Representative Watertown
Term Ends June 30, 2027

Chuck Wilson – Native American At-Large Representative Todd County
Term Ends June 30, 2029

Adam Shaw – Division 3 Representative Madison
Term Ends June 30, 2028

Chris Long – West River At-Large Representative Lyman
Term Ends June 30, 2029

Ryan Rollinger – Division I Representative Harrisburg
Term Ends June 30, 2025

Marty Weismantel (President) – School Board, Small School Group Groton Area Schools
Term Ends June 30, 2025

Jeff Kusters – Division IV Representative Frederick Area
Term Ends June 30, 2026

SDHSAA HEADQUARTERS

804 North Euclid Avenue, Suite 102, P.O. Box 1217
Pierre, South Dakota 57501
Telephone: (605) 224-9261 Fax: (605) 224-9262

Website: <https://www.sdhsaa.com/>

CONSTITUTION

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STATE OF SOUTH DAKOTA IDENTIFYING STATUTES

SDCL 13-1-57 DEFINITIONS REGARDING NEWS MEDIA COVERAGE OF HIGH SCHOOL ACTIVITIES (AMENDED 2021)

Terms used in §§ 13-1-58 and 13-1-59 mean:

- (1) "Association," any association that meets the requirements of § 13-36-4;
- (2) "Journalism," the gathering, preparing, collecting, photographing, recording, streaming, broadcasting, writing, editing, reporting, or publishing of news or information that concerns matters of public interest for dissemination to the public, including on the internet;
- (3) "Media contractor," any entity that contracts with a school board, school district, or association to conduct journalism at any interscholastic high school activity or event;
- (4) "News media," personnel of a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, or a television network, regardless of whether the news media is in print, electronic, or digital format;
- (5) "School district," the same meaning as in § 13-5-1;
- (6) "School board," the same meaning as in § 13-8-1.

SDCL 13-1-58 INTERFERENCE WITH NEW MEDIA COVERAGE OF HIGH SCHOOL ACTIVITIES PROHIBITED- EXCEPTION (AMENDED 2021)

No school district, school board, association, or media contractor may interfere with the right of news media to attend and engage in journalism concerning any interscholastic high school activity or event. No association or media contractor may charge a fee for news media to engage in journalism at any such activity or event. The school district or school board shall prevent any school under its authority from interfering with the right of news media to engage in journalism at any such activity or event. The provisions of this section do not apply to any state championship interscholastic event.

SDCL 13-1-59 PROMULGATION OF RULES TO ACCOMMODATE NEWS MEDIA COVERAGE OF HIGH SCHOOL ACTIVITIES (AMENDED 2021)

The board of a school district may adopt policies governing reasonable accommodations for news media to conduct journalism at all interscholastic high school activities and events. The policies on reasonable accommodations shall allow news media all necessary access to conduct journalism at such events, free of charge, subject to reasonable limitations for public safety, available space, and the right of the general public to attend such events.

SDCL 13-16-35 HIGH SCHOOL INTERSCHOLASTIC ACTIVITIES ENDOWMENT

Any member school of an association provided for in 13-36-4 to which control, supervision, and regulation of high school interscholastic activities has been delegated, may, during each school year, allow any portion of the admissions fees collected at a single event in each activity recognized by the association to be used by a local organization that supports local interscholastic activities. The portion of the admissions fees provided to the local organization shall be used for a purpose that is approved in advance by the local school board, and may be used for a local endowment fund that is dedicated to assisting the local school district with its educational needs. The local organization shall maintain complete records of the admissions fees it receives, and shall provide a report to the local school board detailing the specific use of the admission fees.

SDCL 13-28A-1 OPEN ENROLLMENT WITH NEIGHBORING STATES

The secretary of the Department of Education may enter into agreements with the appropriate parties from the states bordering South Dakota to establish an enrollment options program between South Dakota and each neighboring state.

SDCL 13-28A-2 CONTENT OF AGREEMENT

Any agreement to allow open enrollment between South Dakota school districts and a bordering state's school districts entered into pursuant to this chapter shall specify the following:

- 1) If the bordering state sends more students to South Dakota than South Dakota send to the bordering state, the bordering state will pay South Dakota an amount agreed upon for the excess number of students sent to South Dakota; and
- 2) If South Dakota sends more students to the bordering state than the bordering state sends to South Dakota, South Dakota will pay the bordering state an amount agreed upon for the excess number of students sent to bordering state.

SDCL 13-28A-3 APPLICATION PROCEDURE

Any agreement entered into pursuant to this chapter shall specify the application procedures for the enrollment options program between South Dakota and the bordering state.

SDCL 13-28A-7

If South Dakota enters into an open enrollment agreement with a bordering state, for the purposes of state aid to education distributed pursuant to chapter 13-13, any student open enrolled to a South Dakota district from a bordering state is included in the receiving school district's fall enrollment.

SDCL 13-28-10. School residency of child residing in home other than residence of parents, guardian, or noncustodial parents--Petition to local school board--Appeal. Amended 2022

Except as otherwise provided in this section, if a school age child resides in a home other than the residence of the child's parents, guardian, or noncustodial parents, on a temporary or permanent basis, the school residency of the child is where the parents, noncustodial parents, or guardian reside unless, upon request of the person with whom the child is living, the board of the school district accepts the child as a resident of that school district.

If the board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, petition the board for a hearing. The decision of the board, after the hearing, may be appealed to the circuit court.

A school age child is a resident of the school district in which the child is placed by the Department of Corrections, the Department of Human Services, or the Department of Social Services.

SDCL 13-28-37 COLLEGE CREDIT—Amended 2003—An act to repeal the limit on credit hours for certain students. (Amended 2020)

Any student in grades nine, ten, eleven or twelve may apply to an institution of higher education or a technical college as a special student in a course or courses offered at the institution of higher education or technical college. The student shall obtain the school district's approval of the postsecondary course or courses prior to enrolling. If, however, the student is enrolled in a nonpublic school or a tribal school, the student shall obtain approval of the postsecondary course or courses prior to enrolling, and if the student is receiving alternative instruction pursuant to § 13-27-3, the student shall obtain approval of the postsecondary course or courses prior to enrolling from the provider of the alternative instruction. If approved, the student shall receive full credit towards high school graduation as well as postsecondary credit for each postsecondary course. The school district shall record each course under this section on the student's transcript and shall use each course score to calculate academic standing.

If a failing final course grade is received in a postsecondary course under this section, the student receiving the failure is no longer eligible to enroll for postsecondary courses under this section absent a showing of good cause.

SDCL 13-28-43 OPEN ENROLLMENT BETWEEN SOUTH DAKOTA SCHOOLS

Amended 2018

A student's parent or legal guardian who wishes to enroll the student, or an emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47, inclusive, in a South Dakota school district other than the resident district or in a school within the resident district other than the school to which the student has been assigned shall apply on forms provided by the Department of Education.

The school board or the board's designee of the district in which the student desires to enroll shall approve or disapprove the application and shall notify the applicant and the resident board, if applicable, of its decision within five days of the decision. The district in which the student desires to enroll shall review the applications in the order received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the district pursuant to §§ 13-28-40 to 13-28-47, inclusive, that student's application shall take priority over all other applications the district has received consistent with § 13-28-44.

Transfers to a school district other than the resident school district under the provisions of §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If a school district approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If a school district approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. However, the deadlines for transfer do not apply if:

- (1) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
- (2) A student enrolls in a school district after the deadline in either semester; or
- (3) The receiving school district school board or the board's designee determines that special circumstances exist and allows a student to transfer after the deadline.

Intra-district transfer applications may be accepted and acted upon at any time at the board's discretion if the policies on which the transfer decisions are based are consistent with the other requirements of §§ 13-28-40 to 13-28-47, inclusive.

An application may be withdrawn by the applicant prior to the approval of the request and upon notification of the district to which the student applied. Once approved by the district in which the student wishes to enroll, the approved application serves as the applicant's notice of intent to enroll in the nonresident district or desired school during the school year and obligates the student to attend school in the nonresident district or desired school during the school year, unless, as provided in § 13-28-47.1, the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

Once enrolled in a nonresident district or nonassigned school, the student may remain enrolled and is not required to resubmit annual applications.

SDCL 13-32-9 SUSPENSION FROM EXTRACURRICULAR ACTIVITIES FOR CONTROLLED SUBSTANCE VIOLATIONS. (Amended 2014)

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. 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. (Amended 2014) CONSEQUENCES IMPOSED BY LOCAL 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.

13-32-9.2. (Amended 2015) REDUCED SUSPENSIONS—MINIMUM REQUIREMENTS—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 two South Dakota High School Activities Association sanctioned events. If two sanctioned events for which the student is ineligible 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. 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 six sanctioned events for which the student is ineligible 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 have taken place. 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. 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 on 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 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.

SDCL 13-36-4 HIGH SCHOOL INTERSCHOLASTIC ACTIVITIES ASSOCIATIONS- QUALIFICATIONS-POWER AND AUTHORITY Amended 2021

13-36-4. Delegation of control, supervision, and regulation of high school interscholastic activities to association. The school board of a public school, approved and accredited by the secretary of the Department of Education, may delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if:

(1) Membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title;

(2) The constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board;

(3) The report of any audit required by § 13-36-5 is made public on the association's website as well as the Department of Legislative Audit's website;

(4) The association complies with the provisions of chapter 1-25 and chapter 1-27. However, the association, and its employees, meetings, and records, are afforded the same exemptions and protections as a political subdivision or public body is provided under chapter 1-25 and chapter 1-27; and

(5) The association shall report to the Government Operations and Audit Committee annually, or at the call of the chair.

The governing body of a nonpublic school, approved and accredited by the secretary of the Department of Education, or AdvancED, or the Association of Christian Schools International (ACSI), or the Association of Classical and Christian Schools (ACCS), or Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA), or Commission for Oceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran Synod School Accreditation, may also delegate, on a year to year basis, the control, supervision, and regulation of any high school interscholastic activities to any association which is voluntary and nonprofit if membership in such association is open to all high schools approved and accredited pursuant to this section, including any school that allows participation by students receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the association are subject to ratification by the school boards of the member public school districts and the governing boards of the member nonpublic schools and include a provision for a proper review procedure and review board.

Any association which complies with this section may exercise the control, supervision, and regulation of interscholastic activities, including interscholastic athletic events of member schools. Such association may promulgate reasonable uniform rules, to make decisions and to provide and enforce reasonable penalties for the violation of such rules.

SDCL 13-36-5 ANNUAL AUDIT OF HIGH SCHOOL ACTIVITIES ASSOCIATION- PAYMENT-REPORT

Any association exercising the grant of authority contained in SDCL 13-36-4 to regulate public and non-public schools shall be audited annually by the state department of legislative audit and a report of such audit shall be made to the Legislature. The association shall pay for the audit at the rate prescribed by SDCL 4-11-18.

SDCL 13-36-7 OPEN ENROLLMENT/OUT OF STATE/ALT. INSTRUCTION (AMENDED 2021)

Any student enrolling in a South Dakota district pursuant to § 13-15-21 is eligible to participate in any interscholastic activity sponsored by the South Dakota High School Activities Association.

Each public school district shall allow participation in athletics, fine arts, or activities for a child being provided alternative instruction pursuant to § 13-27-3 within the district in which the child resides. The parent, guardian, or other person in control of a child being provided alternative instruction shall submit proof of age when participating in athletics, fine arts, or activities. Any child being provided with alternative instruction and participating in South Dakota High School Activities Association activities shall be held to the same local training rules and South Dakota High School Activities Association transfer and non-academic eligibility rules as enrolled students.

Pursuant to § 13-27-3 and before the current season of the sport or activity the alternative instruction child is participating in, the parent, guardian, or other person in control of a child being provided alternative instruction shall provide the appropriate school official with a copy of a transcript of the previous semester's completed coursework that is issued by the parent, guardian, or other person in control of the child. The parent, guardian, or other person in control of a child being provided alternative instruction shall notify the appropriate school official if the child becomes ineligible under South Dakota High School Activities Association or local school rules in so far as those standards apply to § 13-27-3.

Nothing in this section confers any vested right in any student wishing to participate in any interscholastic activity to be selected for competition in such activity. However, any enrolled student who leaves an accredited program during the course of the school year and who will be provided alternative instruction is ineligible for participation in interscholastic activities for the balance of the current season of the sport or activity the student is participating in at the time of notification of alternative instruction.

SDCL 13-36-8 7th and 8th GRADE NONPUBLIC ELEMENTARY OR MIDDLE SCHOOL STUDENTS

Any seventh or eighth grade student who attends a nonpublic elementary or middle school that is not affiliated with a nonpublic high school may participate in interscholastic activities at a nonpublic high school, at the discretion of the nonpublic school, if the student meets the same scholastic standards required by the South Dakota High School Activities Association for high school participation.

Adopted 2005 session

SDCL 13-36-9 to 13-36-14 adopted 2011 session

Concussion guidelines and information sheet. The South Dakota High School Activities Association, in concert with the Department of Education, shall develop guidelines to inform and educate member schools, coaches, athletes, and the parents or guardians of athletes, of the nature and risk of concussion, including continuing to play after sustaining a concussion. A concussion information sheet shall be signed and returned by any athlete who seeks to compete in activities sanctioned by the South Dakota High School Activities Association and the athlete's parent or guardian prior to the athlete's participation in any youth athletic activities sanctioned by the South Dakota High School Activities Association. A signed information sheet is effective for one academic year.

The guidelines and information sheet shall include protocols and content consistent with current medical knowledge for informing and educating each member school, coach, and athlete participating in athletic activities sanctioned by the South Dakota High School Activities Association, and the athlete's parent or guardian as to:

- 1) The nature and risk of concussions associated with athletic activity;
- 2) The signs, symptoms, and behaviors consistent with a concussion;
- 3) The need to alert appropriate medical professionals for urgent diagnosis or treatment if an athlete is suspected to have received a concussion; and
- 4) The need to follow proper medical direction and protocols for treatment and return to play after an athlete sustains a concussion.

SDCL 13-36-10

Coaches to complete training program. The South Dakota High School Activities Association and the South Dakota Department of Education shall develop a training program consistent with § 13-36-9. Each coach participating in athletic activities sanctioned by the South Dakota High School Activities Association shall complete the training program each academic year.

SDCL 13-36-11

Removal of athlete exhibiting symptoms of concussion. An athlete shall be removed from participation in any athletic activity sanctioned by the South Dakota High School Activities Association at the time the athlete:

- 1) Exhibits signs, symptoms, or behaviors consistent with a concussion; or
- 2) Is suspected of sustaining a concussion.

SDCL 13-36-12

Return of athlete to activity. No athlete who has been removed from participation in an athletic activity sanctioned by the South Dakota High School Activities Association may return to athletic activities until the athlete:

- 1) No longer exhibits signs, symptoms, or behavior consistent with a concussion; and
- 2) Receives an evaluation by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to play from such health care provider.

SDCL 13-36-13

Licensed health care provider defined. For the purposes of § 13-36-12, a licensed health care provider is a person who is:

- 1) Registered, certified, licensed, or otherwise recognized in law by the State of South Dakota to provide medical treatment; and
- 2) Trained and experienced in the evaluation, management, and care of concussions.

SDCL 13-36-14

Cause of action not created. Sections to §§ 13-36-9 to 13-36-13, inclusive, do not create any liability for, or create any cause of legal action against, a school, a school district, or any officer or employee of a school or school district.

SDCL 13-67-1 (2022) Athletic teams and sports- Designation by Sex- Participation

Any interscholastic, intercollegiate, intramural, or club athletic team, sport, or athletic event that is sponsored or sanctioned by an accredited school, school district, an activities association or organization, or an institution of higher education under the control of either the Board of Regents or the Board of Technical Education must be designated as one of the following, based on the biological sex at birth of the participating students:

- (1) Females, women, or girls;
- (2) Males, men, or boys; or
- (3) Coeducational or mixed.

Only female students, based on their biological sex, may participate in any team, sport, or athletic event designated as being for females, women, or girls.

For purposes of this section, biological sex is either female or male and the sex listed on the student's official birth certificate may be relied upon if the certificate was issued at or near the time of the student's birth. The failure to comply with this section is a limited waiver of sovereign immunity for relief authorized under this chapter.

SDCL 13-67-2 (2022)- Complaint- Investigation- Harm incurred by athlete

If a student suffers direct or indirect harm as a result of a violation of § 13-67-1, that student has a private cause of action for injunctive, mandamus, and declaratory relief, against the accredited school, school district, activities association or organization, or institution of higher education under the control of either the Board of Regents or the Board of Technical Education that caused the harm.

If a student is subjected to retaliation or other adverse action by an accredited school, school district, activities association or organization, or institution of higher education as a result of reporting a violation of § 13-67-1 to an employee or representative of the school, school district, activities association or organization, institution of higher education, or to a state or federal governmental entity having oversight authority, that student has a private cause of action for injunctive, mandamus, and declaratory relief, against the school, school district, activities association or organization, or institution of higher education. In addition, no governmental entity may investigate a complaint or take any adverse action against an accredited school, school district, activities association or organization, or institution of higher education, or any employee or governing board member of the foregoing for compliance with § 13-67-1.

SDCL 13-67-3 (2022)- Harm incurred by institution

If an accredited school, school district, or institution of higher education under the control of either the Board of Regents or the Board of Technical Education suffers any direct or indirect harm as a result of a violation of § 13-67-1, that school, school district, or institution of higher education has a private cause of action for injunctive, mandamus, and declaratory relief, against the governmental entity, licensing or accrediting organization, or activities association or organization.

SDCL 13-67-4 (2022)- Limitation of actions – Attorney Fees

No governmental entity, accredited school, school district, or institution of higher education may be liable to any student for its compliance with § 13-67-1. A civil action under § 13-67-2 or 13-67-3 must be initiated within two years from the date the alleged harm occurred. Any party prevailing on a claim brought under § 13-67-2 or 13-67-3 is entitled to reasonable attorney's fees and costs.

SDCL 13-67-5 (2022)- Lawsuit- Public defense- Costs assumed by the state

For any lawsuit brought or any complaint filed against an accredited school, a school district, or an institution of higher education under the control of either the Board of Regents or the Board of Technical Education, or an employee, board, or a member thereof, as a result of compliance with § 13-67-1, the attorney general shall provide legal representation at no cost to that entity or individual.

In addition to the expenses of representation, the state shall assume financial responsibility for any other expense related to the lawsuit or complaint and incurred by an accredited school, a school district, or an institution of higher education, or an employee, board, or a member, including any award for attorney's fees and costs for which that entity or individual would be otherwise responsible.

SDCL 36-4A-26.1 PHYSICALS

In addition to doctors of medicine and doctors of osteopathy, this statute gives physician's assistants the authority to give exams and sign the form.

SDCL 36-9A-12 PHYSICALS

In addition to doctors of medicine and doctors of osteopathy, this statute gives nurse practitioners the authority to give exams and sign the forms.

SDCL 36-5-15 PHYSICALS

In addition to doctors of medicine and doctors of osteopathy, this statute gives doctors of chiropractic the authority to give exams and sign the forms.

CONSTITUTION OF THE SDHSAA

Preamble

The school districts of the state of South Dakota, acting by and through their duly elected school board members, having heretofore associated together in the creation and development of a voluntary, non-profit association organized for the advancement of both curricular and co-curricular interscholastic activities, do hereby jointly and in cooperation with each other, and with the nonpublic schools authorized by law to join therein, for the perpetuation of the Association, do hereby establish this Constitution and these Bylaws.

ARTICLE I

NAME

This Association shall be known as the South Dakota High School Activities Association, (Referred to herein as the Association or as the SDHSAA) and its duration shall be perpetual.

ARTICLE II

OBJECT

The purpose of this Association is to direct and coordinate interscholastic activities carried on by the member high schools of South Dakota.

It shall have the duty and obligation to control, coordinate, and direct the operation of the interscholastic activity programs of its member schools. Among these programs shall be those in athletics, speech, music, student council, publications, and such like or related programs as now or hereafter may be organized among member schools and which are recognized by the Bylaws.

It shall also attempt to equalize activity opportunity by standardizing qualifications for participants, coaching and directing procedures, and treatment of visiting teams and participants in connection with all activities.

ARTICLE III

MEMBERSHIP

SECTION 1. APPLICATION FOR MEMBERSHIP. Any high school approved and accredited by the secretary of the department of education and cultural affairs, except such schools as have been expelled and have not been reinstated under Art. VIII of this Constitution, may become a member of this Association by (1) submitting a statement signed by a proper school official to show that the governing board has taken action to approve the application for membership and, also, to approve this Constitution and these Bylaws; (2) designating its official representative; and (3) having the Superintendent (or Chief Executive Officer) of the high school subscribe in writing to this Constitution and Bylaws. The Association's year shall begin on July 1 and end on June 30.

SECTION 2. BASIS FOR CLASSIFICATION BY ENROLLMENT. (Amended 2021) Member schools are classified according to enrollment for participation in the various athletic or fine arts activities sponsored by the Association, reflective of actual figures collected by the South Dakota Department of Education on the last Friday in September of each reclassification/alignment year. In addition to actual figures collected by the South Dakota Department of Education, a Free and Reduced Lunch Multiplier shall be utilized to adjust enrollment counts dependent upon the reported percentage of students in grades 9-12 at each school who qualify for Free and Reduced Lunch according to the South Dakota Department of Education per Federal guidelines. The Free and Reduced Lunch percentage shall be multiplied by 30%, and the resulting percentage will be used to reduce the enrollment count of the school, with a maximum multiplier reduction of 30%. The resulting enrollment count with multiplier shall be used as the official enrollment number of the school when determining classifications. Special programs utilized by the Federal Government whereby a school is classified on an other than annual basis may be considered by the Board of Directors (i.e.- Community Food Programs, etc.). Reclassification and alignments for all sports and fine arts activities shall be done at the same time so that the two-year periods are concurrent for all activities.

SECTION 3. DUES. Each member school shall pay dues for each student enrolled in grades 9, 10, 11 and 12. The amount of dues per student and the minimum and maximum dues per school will be recommended by the Board of Directors. Each member school will have an opportunity to vote on the Board of Director's recommendation with the majority prevailing. Entry fees for all events shall be determined by the Board of Directors. (NOTE- By Board Action in the 2020-21 school year, the SDHSAA has suspended membership dues and fees, beginning in FY2022).

ARTICLE IV

FINANCE

SECTION 1. REVENUE. The revenue of this Association shall consist of dues paid as provided by Article III, receipts from paid admissions from activities sponsored by the Association, fees, ball contracts, television contract, corporate contracts and other revenues as may be established by the Board of Directors.

SECTION 2. BUDGET. The Board of Directors shall adopt a budget for the Association for its fiscal year, beginning July 1 and ending June 30.

ARTICLE V ASSOCIATION MEETINGS

SECTION 1. TIME AND PLACE OF MEETINGS. The time and place of the regular annual meeting shall be established by the Board of Directors. The specific day, hour, and place shall be determined and timely notice thereof given by the Board of Directors through the office of the Executive Director. Special meetings may be held at times and places that may be determined by the Board of Directors.

SECTION 2. ONE VOTE ONLY. In the transaction of business of the Association each member school shall have one vote.

SECTION 3. OFFICIAL REPRESENTATION. Member schools shall be represented at the meetings by the principal of the high school or the superintendent of schools or a duly authorized faculty representative.

SECTION 4. QUORUM. Representatives from ten schools shall constitute a quorum at any regular annual or special meeting of this Association.

ARTICLE VI ADMINISTRATIVE ORGANIZATION

SECTION 1. BOARD OF DIRECTORS. For the purpose of administering the affairs of the Association under the powers granted by this Constitution and the Bylaws of this Association there is hereby created a separate administrative entity designated as the Board of Directors of the South Dakota High School Activities Association. The Board of Directors shall consist of nine members.

Seven of these shall be Superintendents, Principals, and Athletic/Activity Directors of member schools and two shall be members of the Board of Education of a member school. One member shall be a Native American Superintendent, Principal or Athletic/Activity Director from a Native American member school. The composition of the seven administrative positions shall occur in such manner that at no time shall any of the three groups be represented by more than three persons. Representation will be in a ratio system with Superintendents, Principals, and Athletic/Activities Directors being rotated through the ratios.

The term of a Board of Directors member will be five years in length. No member of the Board of Directors will be eligible to be elected to consecutive terms. A Board of Directors member may be elected or appointed to fill an unexpired term.

No (1) member public school district, OR, (2) private/parochial school shall be represented by more than one person on the Board of Directors. **Adopted 5-27-14**

NOTE: See Administrative Procedure Policy at the end of this document.

SECTION 2. ELECTION OF BOARD OF DIRECTORS MEMBERS. Members of the Board of Directors shall be elected to five-year terms. Nominations for membership on the Board of Directors shall be made orally at the annual meeting of the Association. An election shall be determined by a majority of votes cast. If no candidate receives a majority a run-off election shall be held between the top two vote getters.

Election of the members of the Board of Directors shall be governed as follows:

- A. One member of the Board of Directors shall be elected as an At-Large member from the west river, and one member of the Board of Directors shall be elected as an At-Large member from the east river, with said position filled by either a superintendent, principal, or athletic/activity director from a member school. The west river At-Large Board of Directors member must be elected from the west river region, and the east river At-Large Board of Directors member must be elected from the east river region of the state. The Missouri River shall be the dividing line between the east and west regions. In the event that the boundaries of a school district are located on both sides of the Missouri River, the physical location of the high school shall determine whether said school district is east river or west river. Should the east or west river Board of Directors member move to a school on the opposite side of the river, membership on the Board of Directors shall be forfeited.
- B. Four members of the Board of Directors shall be elected according to four divisions of school enrollment (9-11).
- C. Two members of the Board of Directors shall be Board of Education Members. One Board of Education member shall be from the large-school group which comprises approximately one-half of the school enrollment (Grades 9-11). The other Board of Education member shall be from the small-school group which comprises approximately the other half of the school enrollment (Grades 9-11).
- D. One member shall be elected as an At-Large member from a SDHSAA member Native American school. Native American school shall be defined as any SDHSAA member school with a Native American student population of at least 50% in grades 9-12 as determined by the SD Department of Education. The At-Large position shall be filled by a Native American Superintendent, Principal or Athletic/Activity Director.
- E. When a representative of the Board of Directors loses the qualifications for which he or she was elected or appointed; such as resignation, removal from a district or category, withdrawal from the profession or any other reason which might make one ineligible to serve, he or she no longer remains eligible to serve on the Board of Directors. **Adopted 5-27-14**

The Board of Directors shall be empowered to determine the four divisions of school enrollment (9-11), such divisions to be outlined as follows:

- 1) Division I to include at least one-fourth of the total student enrollment.

- 2) Division II shall include the next-highest enrolled group of school districts to include at least one-fourth of the total student enrollment.
- 3) Division III shall include the next-highest enrolled group of school districts in terms of enrollment.
- 4) Division IV shall contain all remaining school districts.

Enrollment figures shall be from the previous school year and shall be the Average Daily Membership enrollment figures for Grades 9-11 as submitted to the Executive Director. **Adopted 5-29-15**

Election of Board of Directors members shall in all cases be by ballot sent to all member high schools within ten days after the Annual Meeting. To be valid, ballots shall be presented to the Board of Education for official action to be attested to by the Board Chairman. The deadline for the return of ballots shall be set by the Board of Directors and shall be no earlier than 30 days, and no later than 35 days after the date of the Annual Meeting of the Association.

SECTION 3. FILL VACANCIES. The Board of Directors will have the power to fill any vacancy occurring on the Board of Directors by the appointment or election of some eligible person of the same classification as the member to be replaced. The member selected to fill the vacated position will serve until the end of the term of the member being replaced.

SECTION 4. OFFICERS OF THE BOARD OF DIRECTORS. The Board of Directors shall elect from its own membership, each year at its June Board of Directors meeting, a chairman and vice-chairman for the ensuing school year. The Board of Directors shall appoint the Executive Director as the Treasurer who shall have charge of all funds of the Association, under the direction of the Board of Directors, and shall give such bond as the Board of Directors shall demand, the premium for which shall be paid from the funds of the Association.

SECTION 5. ASSOCIATION OFFICERS. The officers of this Association shall be the officers of the Board of Directors of the Association, including the Executive Director, and shall have all the powers, privileges and obligations expressed or implied in this Constitution and Bylaws.

SECTION 6. EXECUTIVE DIRECTOR. The Board of Directors shall employ a full-time Executive Director and fix the salary. The Board of Directors shall employ such other and necessary professional and clerical assistance as may be necessary and shall have authority to fix their salaries. The Executive Director shall be the official executive for the Board of Directors and shall carry on the activities and discharge the duties, including those of the Treasurer, that naturally accrue to such office, but at all times be guided in his decisions and actions by this Constitution and Bylaws and by the policies established by the Board of Directors and by any special instructions given him from time to time by the Board. Decisions of the Executive Director that may aggrieve a member or members concerned may be appealed to the Board of Directors and the resultant action of the Board of Directors shall hold precedence over any deviating decision of the Executive Director.

SECTION 7. HEADQUARTERS. The Board of Directors shall establish an Association headquarters and shall rent or otherwise provide a suitable office for the Executive Director and shall provide equipment for such clerical help and for organizing and protecting the official records of the Association including records of its activities, decisions, and regulations.

SECTION 8. MEETINGS OF THE BOARD OF DIRECTORS. There shall be as many meetings of the Board of Directors as necessary to take care of the business of the Association. Meetings may be called by the chairman, or a subsequent meeting may be arranged by action of the board at any meeting. The expenses of the Board of Directors members in attending the meetings of the board shall be paid from Association funds. Five members shall constitute a quorum for the transaction of business at any properly called meeting of the Board of Directors. A majority of the elected members present must vote in favor for passage of any measure.

SECTION 9. NATIONAL FEDERATION. The Association shall hold a membership in the National Federation of State High School Associations and may hold a membership in such other national high school associations as the Board of Directors may designate or determine. The constitution, Bylaws, regulations and playing rules of such national organization, upon approval by the Board of Directors, shall apply to all members of this Association in all high school interscholastic activities to which regulations of the national association or associations are designed to apply, excepting cases of conflict in Bylaws or rules, if any, between such national associations and this Association.

ARTICLE VII

ADMINISTRATION BY THE BOARD OF DIRECTORS

(Functions, Powers, Duties)

SECTION 1. CONTROL OF FUNDS. The Board of Directors shall:

- A. Determine all necessary expenditures of Association funds.
- B. Make available the books and records for audit by the state.
- C. Present a full report of such audited accounts to the annual meeting of the Association.

SECTION 2. CONTROL OF ACTIVITY DATES. All interscholastic events and dates for such events shall be approved, cleared or arranged for by the Board of Directors.

SECTION 3. POWERS CONNECTED WITH ELIGIBILITY OF STUDENTS. In connection with the eligibility of students representing member high schools in all South Dakota high school activities, including athletics, music, speech, and all other competitive events, the Board of Directors, or its designee, shall have the following powers:

- A. To receive, investigate as may be necessary, and pass judgment upon complaints made by one member about the eligibility or the alleged ineligibility of participants from another member school.
- B. To investigate on its own initiative doubtful cases of eligibility among participants in a member school.
- C. To declare ineligible such participants as in its judgment do not meet the eligibility requirements of the Association.
- D. To investigate on its own initiative alleged violations of the Association's Constitution, Bylaws, and regulations.
- E. To suspend or discipline a member school that has violated the Constitution and Bylaws of the Association by using participants in inter-school competition who do not conform to the regulations of the Association.
- F. To issue, when requested in writing by a member, declaratory rulings on questions of general interest involving the applicability of the Constitution or a Bylaw to factual situations.
- G. To bar a student from participating in any high school contests as a penalty for violating the Constitution or any of the Bylaws of the Association as herein after provided.
- H. To reinstate any student who has been suspended from participation in activities for violation of the Constitution and Bylaws, after one school year of such suspension, if the conclusion of the board from evidence is that the violation was due to ignorance of a rule or Bylaw or its full meaning.
- I. To rectify any error made by anyone that results in depriving a student of rightful eligibility under this Constitution and Bylaws to participate in interschool activities or that results in granting such eligibility undeservedly.
- J. The Board of Directors, or the Executive Director, as hereinafter provided in Section 10, shall have authority to waive the enforcement of the transfer rule when it appears that an individual student would be unjustly penalized because of (1) death of a parent; (2) divorce; (3) court adjudicated separation of the parents; (4) change in economic status of the parents beyond the control of the student's family which forces the transfer. A waiver under this sub-section shall only be granted when the economic change is a foreclosure, bankruptcy, or parents loss of job which would require documentation by the parents; (5) assignment, by any governmental agency of a student to a particular school or school district; (6) assignment, by any governmental agency, of a student to a facility such as McCrossan Boys Ranch; and (7) any other circumstance of a similar serious nature.
- K. The eligibility rule in regards to age may not be waived under any circumstances.
- L. The scholastic or eight-semester/twelve trimester rule may be waived if the student loses eligibility because of serious illness, injury and/or other circumstances of a similar serious nature. In such cases the illness, injury or other circumstances of a similar serious nature must be verified in writing by a licensed health professional or other professional personnel as per request from the SDHSAA office.
- M. Upon completion of the eighth grade or the ninth grade at an organized, structured junior high school, the student shall be eligible at the first senior high school where the student chooses to enroll regardless of the location of the senior high school.
- N. Any waiver request that is submitted to the Board of Directors or Executive Director must be initiated by a member school. If a request is received, the student and his/her parents or guardian, shall be advised immediately of the requested ruling and shall be given an opportunity to submit information.

SECTION 4. CONTROL OF CONTESTS, TOURNAMENTS AND MEETS. In connection with tournaments and meets the Board of Directors shall have the following powers:

- A. To decide the rules and regulations which shall govern, within the limits of this Constitution and Bylaws and within the restrictions imposed by an established Association plan or policy for any contests, all tournaments, and meets, including district, division, region, and state tournaments and meets.
- B. To standardize, if it so elects, the awards to be used in state, district, and region contests.

SECTION 5. CONTROL OF OTHER ACTIVITIES. The Board of Directors shall have the power to adopt such rules and regulations in connection with any and all high school activities not inconsistent with the Constitution and Bylaws of the Association as it may feel necessary. In order to organize, plan and supervise the operation of the various activity programs, the Board of Directors shall appoint advisory committees consisting of not less than three nor more than seven members, who shall be either administrators or persons qualified to teach or coach the activities in the committee's charge. These advisory committees shall be responsible to the Board of Directors and their decisions shall be subject to the approval of the Board of Directors.

SECTION 6. REGISTRATION OF OFFICIALS. The Board of Directors shall have power to register athletic officials, provided such official can meet the qualifications as established.

The SDHSA shall annually publish, for the information of the member schools, a list of such officials who successfully meet the established qualifications.

NOTE: SEE OFFICIALS REQUIREMENTS IN THE GENERAL SECTION OF THE ATHLETIC HANDBOOK.

SECTION 7. EMERGENCY POWERS. In case of a national emergency the Board of Directors shall have the power to waive or modify sections of the Constitution and Bylaws to fit any exigencies growing out of such emergency.

SECTION 8. DETERMINE PENALTIES. For any violation of this Constitution and Bylaws for which the penalty is not stated the Board of Directors shall determine a proper penalty.

SECTION 9. PUBLICITY. The Board of Directors, through its Executive Director, shall present information about the activities of the Board of Directors and the Association to the press and to other news media, and shall publish bulletins, newsletters, and booklets adequate to the information needs of the members.

SECTION 10. CONTROL OF ELIGIBILITY OF STUDENTS. Since it is important that eligibility cases be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing. The term “days” when used in this policy will mean working days. (Monday-Friday except holidays)

The eligibility of students of member high schools to participate in South Dakota High School Activities Association events will rest with the Board of Directors of the Association under the powers of Section 3 above.

LEVEL ONE: EXECUTIVE DIRECTOR

Initial rulings on request for interpretations regarding eligibility based on the Association Constitution and Bylaws, including rulings on all hardship cases, will be made by the Executive Director. Once the request is received in the SDHSAA office, the Executive Director will render a decision in writing to the aggrieved party within fourteen (14) days.

LEVEL TWO: APPEALS COMMITTEE

The member school aggrieved by a decision of the Executive Director in eligibility cases may appeal such decision to an Appeals Committee of the SDHSAA within seven (7) days after receiving notification of the Executive Director’s decision. Such requests will:

- A. be made in writing
- B. be signed by the Superintendent/CEO or the Board of Education of the member school requesting the appeal
- C. include a detailed explanation of the factual situation as per the particular question or questions involved and
- D. be directed through the office of the Executive Director of the SDHSAA.

The Appeals Committee will be appointed by the Executive Director and will consist of three (3) members of the SDHSAA Board of Directors, one of whom will be designated as the chairman of the committee. No representative will be named from a school which is involved in the decision. The Executive Director of the SDHSAA will establish a date and conduct a hearing within seven (7) days and will advise all interested parties and committee members of the time, place and purpose of the hearing.

The hearing conducted by the Appeals Committee will be fair, impartial and in accord with due process of law. The Appeals Committee will have the authority to investigate the factual situation as per each request and require that additional, specific information be submitted. The aggrieved party and the Board of Directors will have the right to be represented by counsel; to examine and cross-examine witnesses; and to present evidence of all relevant nature in the matter before the Committee. The Appeals Committee will render a decision within seven (7) days following the hearing. Any decision made by the Appeals Committee may be appealed to the Board of Directors. Such requests will:

- A. be made in writing
- B. be signed by the Board of Education or the Superintendent/CEO of the member school requesting the appeal
- C. include a detailed explanation of the factual situation as per the particular question or questions involved and
- D. be directed through the office of the Executive Director of the SDHSAA.

LEVEL THREE: BOARD OF DIRECTORS

Appeals of the decision of the Appeals Committee shall be initiated by the member school and will be to the Board of Directors of the SDHSAA. The three SDHSAA Board of Directors members involved in the Level Two appeal shall not participate in the Level Three appeal. The request will be filed within seven (7) days after receiving notification of the decision of the Appeals Committee. The decision of the Board of Directors will be final. The Executive Director and/or the Board of Directors will have the authority to investigate the factual situation as per each request and require that additional specified information be submitted. The Board of Directors will hear appeals during their next regularly scheduled meeting, unless it is agreed upon by the Board of Directors to hear the appeal in a special meeting due to timeliness of the request.

Written notification of the decision of the Board of Directors will be rendered through the office of the Executive Director within seven (7) days following the Board of Directors hearing.

Nothing herein contained will prohibit the Executive Director or the Board of Directors from initiating investigations of cases of eligibility, including the right to require that information pertinent to such investigations be submitted. The Board of Directors can issue rulings resulting from such investigations in the same manner and with the same force and effect as decisions rendered pursuant to written requests.

All decisions of the Board of Directors rendered pursuant to this section shall be final. **(Amended 6-30-16)**

**ARTICLE VIII
LOCAL ADMINISTRATION OF CONTESTS**

SECTION 1. PRINCIPAL RESPONSIBLE. The principal of the high school or the superintendent of schools or the athletic/activities director, or his authorized faculty representative shall be the official representative for each member school, and such principal or superintendent shall be responsible to the Association for all matters pertaining to the activity relations of the school.

SECTION 2. CONTESTS APPROVED BY PRINCIPAL. No contest shall be arranged with another school without the sanction of the high school principal, superintendent, or athletic/activity director.

SECTION 3. LOCAL RULES. Local rules pertaining to eligibility of student players and performers in inter-school competition may be made and enforced by the local school officials, provided such rules are not inconsistent with the Constitution and Bylaws of the Association.

SECTION 4. SCHOOL OFFICIALS AT CONTESTS. The home school shall always have one or more faculty members present at an inter-school contest. The home school representatives shall be responsible for the conduct of their fans, treatment of visitors, including officials for the contest, while in the contest venue. Representatives of the visiting school should supervise the conduct of their fans at the contest venue.

SECTION 5. NO CONTESTS WITH SUSPENDED OR EXPELLED SCHOOLS. No contest shall be held by a member school with a school that has been expelled from the Association until or unless such school is reinstated. No contest shall be held by a member school with a school that has been suspended, for the duration of the suspension. Suspension in one activity does not necessarily mean suspension in all activities. Competition may be forbidden with the suspended school in the various activity programs at the discretion of the Board of Directors.

SECTION 6. CONTESTS WITH NON-MEMBER SCHOOLS. No contest shall be held or scheduled with a school that is eligible to membership in this Association and which at the time is not a member, and no contest of any kind shall be scheduled or held with a non-member school without specific approval of each such contest from the Executive Director. In all such approved contests with non-member schools all Bylaws and rules of this Association shall apply.

SECTION 7. NO SUNDAY CONTESTS. There shall be no inter-school contests of any kind sponsored or participated in by member schools held on Sundays.

ARTICLE IX PROHIBITED ACTS AND PENALTIES

SECTION 1. RECRUITMENT PROHIBITED. No school may become or continue to be a member school if it gives or awards scholarships, free tuition, free bus transportation, free school lunch, or any other inducements, directly or indirectly, to persuade a student to attend its school. In this context, “other inducements” are defined as any special arrangement by either school personnel or non-school individuals to provide a student or student’s family a benefit or benefits not offered to other students and/or not expressly authorized by SDHSAA rules and regulations. This could include, but is not limited to, jobs or housing for parents, residential relocation offers, promotional efforts in excess of efforts for all other students, promises of playing time, financial aid to parents or students, or any other benefit not authorized by SDHSAA guidelines. **Updated July 2023**

Nor shall any other undue influence be exerted by either school personnel or non-school individuals whereby an attempt is made to persuade or inspire a prospective student to attend a particular school for athletic purposes. Examples of “other undue influence” include but are not limited to calling, texting, or e-mailing student athletes or sending letters, cards, or questionnaires to student athletes in an effort to persuade that student to attend or transfer to a school, inviting prospective student athletes to summer camps or open gyms, or contact of any kind of a nature that is designed to persuade the student to attend or transfer to a specific school because of athletics. Confirmation of any such undue influence shall cause the student to be rendered ineligible pursuant to the provisions set forth in Article VII, Section 3, Sub-section (g), page 18 of the Constitution. Schools and coaches are subject to penalties per Article IX, Section 2 of the SDHSAA Constitution, including but not limited to suspension of the school and/or program from regular season and post-season activities, suspension of the coach from all coaching duties, or the banning of parents/alumni/supporters from attendance at sanctioned activities. **Updated July 2023**

SECTION 2. SUSPENSION. Violation of the Constitution, Bylaws, or any rule of the Association, whether the penalty is specified in connection with the statement of the Bylaw or rule or not, renders the violating member school liable to suspension from the Association for not to exceed one school year, by action of the Board of Directors. Suspension in one activity does not necessarily mean suspension in all activities.

SECTION 3. EXPULSION. A member high school may be expelled from the Association for willful or persistent violation of the Constitution or Bylaws of the Association by a two-thirds vote of the member high schools represented at a regular annual meeting. When so expelled, a high school cannot be reinstated as a member except by a two-thirds vote of the members represented at any subsequent regular annual meeting.

SECTION 4. UNAPPROVED CONTESTS, MEETS, OR TOURNAMENTS. A member school shall not sponsor nor enter a team or contestants in any contest, meet, or tournament that has not been sanctioned by the Board of Directors. Any member school that violates this regulation shall be liable to discipline, including reprimand, monetary fine, or temporary suspension, by the Board of Directors.

SECTION 5. CANCELING ELIGIBILITY FOR CAUSE. For violating a Bylaw or rule of the Association a student of a member school may be barred from all further inter-school competition as a representative of any member school. The Board of Directors, however, may reinstate a suspended student, for good reason, after one school year of suspension.

SECTION 6. CHARGES AND INFORMAL DISPOSITIONS. Charges against a student or a member school for alleged violation of the Constitution and Bylaws, or a rule of the Association shall be filed in writing with the Executive Director, who shall within five days from their receipt, submit copies to all members of the Board of Directors and to the allegedly offending student or school. Within ten days from the time of the receipt of such copy of the charges the accused student or school shall file a reply with the Executive Director who shall transmit copies of the reply promptly, along with any other pertinent data or evidence, to the Board of Directors.

Each Board of Directors member shall examine the case carefully and each shall send the Executive Director as promptly as possible his conclusion about the matter. The Executive Director shall determine from the replies from the Board members what the majority decision is and that shall be the decision of the Board of Directors as a whole and it shall be reported back to the school or schools concerned by the Executive Director.

SECTION 7. HEARINGS. The Board of Directors, however, shall, if a hearing is demanded in writing, or upon its own motion may, in any case it deems such procedure essential, call and conduct a hearing on an official complaint against a student or a school, giving due notice and sufficient time to the student and the school or schools concerned to prepare for such a hearing.

SECTION 8. WITHHOLDING EVIDENCE. It shall be considered contrary to good sportsmanship for a member school to withhold evidence against a player from another member school or against a member school by failing to present such evidence to the principal or superintendent of the school concerned or to the Executive Director of the Association, concerning apparent violation of the Association Bylaws or Rules.

ARTICLE X AMENDMENTS

SECTION 1. METHOD OF PROPOSING. Amendments to this Constitution or any set of Bylaws hereinafter included may be proposed by the Board of Directors, or by member schools through presentation of a petition signed by the administrators of thirty or more member schools. Proposed amendments must be submitted in writing to the Executive Director thirty days or more prior to the Annual Meeting or Special Meeting in order to be considered at that meeting.

SECTION 2. AMENDING PROPOSED AMENDMENTS. Proposed amendments may themselves be amended by the majority vote of the member schools represented at a meeting considering amendments, provided such amendments to proposed amendments do not tend to negate the amendment as originally proposed or to create what is essentially a new and different proposal. The Board of Directors shall have power in such a case to decide the issue.

SECTION 3. VOTING ON AMENDMENTS. All voting on amendments to this Constitution or these Bylaws shall be by referendum vote with all member schools given an opportunity to vote. Amendments presented at a meeting of the Association, as amended at the meeting if amended, shall be submitted by mail to the member schools within ten days following such meeting. The Board of Directors shall provide arguments for and against each proposed amendment to be included with the amendment when it is mailed to the member schools for voting thereon.

SECTION 4. RETURNING BALLOTS ON AMENDMENTS. The deadline for return of ballots shall be set by the Board of Directors and shall be no earlier than 30 days, and no later than 35 days, after the date of the Annual or Special Meeting of the Association. To be valid, ballots shall be presented to the Board of Education for official action, with such action to be attested to by the board chairman.

SECTION 5. SIXTY PERCENT REQUIRED. To repeal any provision or to become an amendment, a proposed repealer or amendment must be voted upon favorably by sixty percent of the members voting on it.

SECTION 6. DATE AMENDMENTS BECOME EFFECTIVE. All amendments passed by vote of Association members shall become effective on July 1 following their being passed.

SECTION 7. AMENDMENT OF CONTEST REGULATIONS. Contest or meet regulations for the various activity programs may be amended by proposal of the advisory committee for the particular activity involved, with approval by the Board of Directors. (See Art. VII, 5.) A majority vote of the fine arts and athletic advisory committees involved is required.

ARTICLE XI DISSOLUTION

SECTION 1. TERMINATION. This Association and the agreement which is made in the form of a Constitution and Bylaws can only be terminated upon sixty percent vote of the total membership upon resolution of the Board of Directors upon the same notice to the membership and using the same voting procedure as set forth in Article X for amendments to the Constitution or Bylaws.

SECTION 2. DISPOSITION OF PROPERTY. Upon termination of this agreement the property of the Association shall be sold by the Board of Directors as soon as may conveniently be done at public or private sale. The proceeds of such sale after payment of all the Association's obligations shall be distributed equally among the then current members of the Association.

BYLAWS OF THE SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION

CHAPTER I - GENERAL PROVISIONS

PART I - SCOPE OF BYLAWS

These Bylaws constitute the rules and regulations governing all approved interscholastic activity programs and the provisions of this chapter shall be applicable to all such activities except as may be otherwise provided as to certain specific programs.

PART II - ADVISORY COMMITTEES

The Advisory Committees authorized by Article VII, Section , page 18 of the Constitution of this Association shall include, but shall not be limited to, advisory committees on girls' athletics, boys' athletics, athletic directors, speech, music, journalism, and student council activities. The Board of Directors shall fix the terms of the members to afford continuity and provide for such meetings of the committees as it deems necessary. It shall be the duty of each respective advisory committee to plan and recommend to the Board of Directors, for its approval, a program of activities for its assigned activity.

PART III - SCHOOL PARTICIPATION

Any high school which is a member of this Association is eligible to participate in the activities sponsored by the Association.

PART IV - STUDENT ELIGIBILITY FOR FINE ARTS AND ATHLETIC PARTICIPATION

SECTION 1. GENERAL REQUIREMENTS.

- A. **Age.** The student must be under 20 years of age at the time of participation. Age to be determined by birth **DATE**.
- B. **Enrollment.** The student must have enrolled not later than the sixteenth school day of the current semester.
- C. **Eight Semester/Twelve Trimester Rule.** A student shall be eligible for four first semesters and four second semesters OR twelve trimesters of interscholastic competition while enrolled in grades 9-12. For the purpose of this subsection, enrollment and attendance in school or participation in one or more contests shall count as a semester/trimester of eligibility. Once a student enrolls as a ninth grader, all semesters/trimesters must be consecutive unless waived as per Article VII, Section 3 (1), page 18 of the Constitution.

NOTE: Attendance Defined: If the student is used in the ADM count, full or partial day, they are considered to have attended school.

D. **Scholastic/Academic Eligibility Rule.**

1. **Preceding Semester/Trimester.** The student, unless they are entering high school for the first time, shall have successfully earned a minimum of two (2) units of credit which are used in the issuance of a diploma, for the preceding or for the most recent semester/trimester of attendance in any accredited high school. For the purposes of this subsection, enrollment and attendance in school or participation in one or more contests shall constitute a semester/trimester in determining eligibility. However, the Board of Directors or the Executive Director shall have the authority to waive the attendance rule when and if a student withdraws from school as a result of an injury or illness and does not return to any school for the remainder of the semester/trimester and the student does not receive any high school course credits.

NOTE: Failure to earn two (2) units of credit the previous semester/trimester causes the student to become ineligible the entire following semester/trimester.

NOTE: Only credits accepted by the school for graduation may be used in determining whether a student successfully earned two (2) units of credit. Source: Minutes of the January 10-11, 2001 Board of Directors Meeting.

2. **Current Semester/Trimester.** The student shall (a) be enrolled in an accredited high school and attend courses for which a minimum of two (2) units of credit may be earned towards the issuance of a diploma, (b) be receiving alternative instruction as set forth in **SDCL § 13-27-3** or (c) any student in grades ten, eleven, or twelve may apply to an institution of higher education or a postsecondary vocational education institution as a special student in a course or courses offered at the institution of higher education or postsecondary vocational education institution. Correspondence/college courses approved in advance by the high school principal for which credits earned are used in the issuance of a high school diploma may count towards the two (2) units of credit eligibility requirement. **(Refer to SDCL § 13-28-37)**
3. A student's grades which are dependent upon completion of a project such as a vocational education project after the close of the academic school year shall be determined by the grade averages of record assuming satisfactory completion of the project.
4. **Credit recovery.** Students who have been declared ineligible because of academic deficiencies from the previous semester/trimester may earn scholastic/academic eligibility by taking an academic course(s) via the options

approved by the SD Department of Education. Examples include, but not limited to, on-line courses, in-district credit recovery courses, alternative education settings, digital courses, etc. The principal must monitor the successful completion of the course(s) and reinstate eligibility only after the successful completion of 2 units of credit as per Chapter I, Part IV, Section 1, Subsection D., page 22 of the Bylaws.

5. **Beginning and ending of a Semester/Trimester.** For the purpose of this subsection, the first semester shall be considered as ending on midnight on the day before the second semester begins and the second semester shall be considered as starting on the first day classes are held in said semester. The first trimester shall be considered as ending on midnight on the day before the second trimester begins. The second trimester shall be considered as ending on midnight on the day before the third trimester begins. The actual ending of the first/second semester or second/third trimester or school year, rather than the date of graduation exercises or diploma date, controls the determination when eligibility terminates.

NOTE: Eligibility is extended to all students:

- **Who choose to graduate at the conclusion of the first semester/first or second trimester until the first day of classes of the second semester/second or third trimester.**
 - **Including those graduating students whenever a sub-state/state event is held after the school year has been completed at the local level.**
6. **Alternative Instruction Students:** Students receiving alternative instruction satisfy the SDHSAA Scholastic/Academic Rule (By-Laws Chapter 1, Part IV, Section 1, Subsection D) through compliance with SDCL 13-27-3 and submission of contracts per SDCL 13-36-7.

SECTION 2. GRADES OF TRANSFERRED STUDENT. In the case of a student just transferred from another school the scholastic record from the former school shall be used for determining eligibility. The student shall not participate in any interscholastic contests until the official transcript of grades is received from the former school and academic eligibility is verified. **See also Section F, page 24**

SECTION 3. SEVENTH AND EIGHTH GRADE CONTESTANTS. Member schools may use seventh and eighth grade students on high school teams for high school contests provided they meet scholastic standards fully equivalent to those required for students in grades 9-12 by the Association. 7th and 8th grade students satisfy SDHSAA scholastic standards via compliance with SDCL 13-27-3 and submission of transcripts per SDCL 13-36-7.

SECTION 4. POST GRADUATE PARTICIPATION. Notwithstanding Section 1 of this chapter, high school graduates may be permitted to participate in inter-school meets or tournaments sponsored by the Association during summer months immediately following such graduation, unless the Board of Directors rules otherwise in the case of any such tournament or meet.

SECTION 5. LAPSE OF ATTENDANCE. Eligibility for the remainder of the semester ceases when:

- A. school attendance has lapsed for more than ten (10) consecutive school days in a SDHSAA member school which operates a five (5) day week, or
- B. when school attendance has lapsed for more than eight (8) consecutive school days in a SDHSAA member school which operates a four (4) day week

The exception to the Lapse of Attendance Policy as stated above would be in the case of student illness or in the case of death in the immediate family that forces the student to be absent from school.

SECTION 6. ELIGIBILITY AFTER ABSENCE. Students forced to leave school for personal illness or because of a death in the immediate family can be eligible upon return to school when they (1) have been fulfilling the scholastic requirements for eligibility at the time of leaving school, (2) file with the Executive Director an affidavit from the attending physician certifying that the illness was of such a nature as to prevent school attendance during any and all of the absence period, and (3) have made up the school work at least to the extent of having secured passing marks in four full courses including the parts of such courses missed during the absence.

PART V - PROTESTS - REVIEW OF DECISIONS

SECTION 1. DECISIONS OF THE JUDGES FINAL. Judges' decisions in any contest are by their nature necessarily regarded as final and shall not be considered as the basis for protest.

SECTION 2. BASIS AND PROCEDURE FOR PROTEST. Protests based upon a challenge to the interpretation given to a contest regulation or administrative ruling thereon must be submitted in writing within 24 hours after the contest, to the chairman of the district or region committees. The committee shall render its decision promptly to the Executive Director of the Association, and shall notify the protester, by telephone, to be followed by a written notice of its decision sent by first class mail to the protester. An appeal from the decision of the district or regional committee shall go directly to the Board of Directors. The decision of the Board of Directors shall be final. The appeal must state the decision of the district or region committee and the basis for the request to overrule that decision.

Any protest lodged prior to a district or region tournament or meet pertaining to the athletic eligibility status of a student, contest regulation or administrative ruling must be submitted to the district or region committee at least ten days prior to the event. The district or region committee shall render its decision promptly. An appeal from the decision of the district or region committee shall go directly to the Board of Directors. The decision of the Board of Directors will be final.

In cases where the protest is lodged less than ten days prior to a district or region tourney or meet, any appeal of a district or region committee decision shall go directly to the Executive Director. The decision of the Executive Director shall be final.

CHAPTER II - BYLAWS FOR ATHLETICS

PART I

FURTHER ELIGIBILITY REQUIREMENTS FOR ATHLETIC CONTESTS

SECTION 1. CHANGE OF SCHOOLS EFFECT ON ELIGIBILITY. Freshmen enrolling in high school for the first time are eligible at any high school of their choice regardless of where their parents or legal guardians might live. Whenever a student transfers from one high school and/or attendance center to another, eligibility for athletic competition is affected, or not affected, according to the following regulations:

- A. To be eligible at the beginning of a semester for participating in interscholastic athletics of the SDHSAA, a transfer student must be enrolled at the beginning of the semester. For students not enrolled at the beginning of the semester:
- Transfer students enrolled in a SDHSAA member school which operates a five (5) day week shall become eligible on the eleventh scheduled day of school provided all other SDHSAA regulations are met.
 - Transfer students enrolled in a SDHSAA member school which operates a four (4) day week shall become eligible on the ninth scheduled day of school provided all other SDHSAA regulations are met.

The first day of attendance is the first day included in the count to determine the ninth and eleventh day. However, if a student participates in one or more SDHSAA tournaments or play-off games at the sub-state level at the school previously attended, said student would be ineligible at the new school in that sport even though the parents move.

- B. If the parents of a student move to the district of a different high school, a student's eligibility is not affected by a transfer to that high school. When two or more public high schools are operated within the same district, the attendance boundaries set up by the board of education of the district shall be considered the boundaries of the public schools within the district for the application of this rule. Students shall be eligible at the first school they choose to enroll in following a bona-fide move. All eligibility rules, age, enrollment, eight semester rule, and scholastic/academic eligibility rules shall apply.
- C. The eligibility of a student remaining in a school district is not affected when his/her parents move to another district.
- D. The eligibility of a student is not affected by a transfer from a non-accredited to an accredited high school.
- E. A student cannot transfer from:
1. a high school in another state to a high school in this state, or
 2. a member school to another member school, or
 3. a non-member school to member school

and be eligible for athletic/fine arts participation if he/she were not eligible due to personal conduct violations (i.e. training rule violations, code of conduct violations, activities violations, etc.) for such participation in the state/member school from which he/she transferred. This provision also includes those students who transfer under sub-section (m)---open enrollment students.

A student who would be ineligible at their previous school may not become eligible for competition at any level by transferring. The school at which the ineligibility occurred determines the period of ineligibility. A transfer at the beginning of a school year does not decrease or eliminate the period of ineligibility.

A transfer student will be eligible for athletic and fine arts participation provided he/she meets the eligibility requirements as set forth by Part IV, Student Eligibility For Fine Arts and Athletic Participation, Section 1 of the Bylaws of the SDHSAA and has completed any suspension for activities violations from the school they are transferring from.

NOTE: As these are student penalties and not penalties against the school, the penalty follows the student. A change in schools does not erase the violation or the penalty for the violation.

- F. A student transferring from one high school to another must have the school (s)he leaves file a transcript of credits with the principal of the school to which (s)he is transferring. This transcript must contain his/her complete high school attendance and scholastic record and must be certified by the principal of the school (s)he is leaving. Until such a transcript is filed the student is ineligible. **See also Section 2, page 23**
- G. Any student who changes high schools without a corresponding, bona fide change in the physical residence of the parents shall not be eligible for athletic competition in the high school to which (s)he transferred for a period of one year. A student who transfers to a new school in advance of the parents move will become eligible the day the parents complete a bona fide change in the physical residence into the new district, providing all other Association requirements have been met. **Revised 2008**

EXCEPTIONS:

1. Those students transferring under the athletic open enrollment provisions of Chapter II, Part I, Section 1, sub-section (M) of the Bylaws, or
2. Those students enrolled in an approved CSIET (Council on Standards for International Educational Travel) exchange program.

A student who participated in athletic competition under the CSIET exemption, returning for a second year and not living with their parent(s), will be treated as a transfer student. These students may be declared eligible for athletics as per the transfer and residency rules stated in the SDHSAA Constitution and Bylaws. Like all students, the transfer and residency rules do not apply to those students involved in fine arts and activities. **See page 5 of the Eligibility Section of the Athletic Handbook.**

NOTE: This provision also applies to any student who transfers because he/she has been declared emancipated.

NOTE: In order to be determined “bona-fide”, the following minimum conditions must be met:

1. The original residence must be abandoned as a residence; that is sold, rented or disposed of as a residence, and must not be used as a residence by any member of the family.
2. The entire family, including minor siblings, must make the change and take with them the household goods and furniture appropriate to the circumstances.
3. The change must be made with the intent that it be permanent.
4. The entire family must physically reside at the residence for the duration of the student’s enrollment.
5. In school districts with multiple high schools; if the parents/legal guardians and the student move back, within one year, to the residence in the school district from whence they moved, the student will be eligible only at the high school which the student attended prior to any change of residence. **Revised 2008**

NOTE: Students shall be eligible at the first school they choose to enroll in following a bona-fide move. All eligibility rules, age, enrollment, eight semester rule, and scholastic/academic eligibility rules shall apply.

- H. **GUARDIANSHIP.** A student who transfers under guardianship from a school out-of-state or from one high school to another within the state, shall become eligible for interscholastic athletics provided the following criteria is met:
1. There is a legal transfer of guardianship.
 2. The named guardian resides in the school district.
 3. The court has ruled that the parents are not competent to care for the student.
 4. There has been a judicial termination of parental rights.
- I. As far as residence is concerned, a student is considered eligible at a high school in a district in which the student’s parents reside, with one exception. **The exception:** When a student transfers from one accredited high school to another accredited high school in the same district the student shall not be eligible for athletic competition for a period of one year without a move of the parents to the corresponding attendance area. Should the parents currently reside in the corresponding attendance area, the student would gain their athletic eligibility through athletic open enrollment. **NOTE:** This regulation does not apply to students who transfer pursuant to the provisions set forth in sub-section (N).
- J. The eligibility of a student is not affected by a transfer from a school that closes. A student living in a district that does not support and maintain a high school may be declared eligible at a high school that regularly serves that district to which the student commutes daily.
- K. **DUAL RESIDENCE** Under no circumstances can a student have more than one residence for eligibility purposes. In cases where parents establish dual residency, a student’s eligibility shall be at the first school enrolled at the onset of the 9th grade year.
- L. **DIVORCED – SEPARATED PARENTS:** In cases of legal divorce, court ordered legal separation, or court ordered separate maintenance pending a legal divorce or court ordered placement, the student shall be eligible at:
1. The school that is located in the district where the residency exists of the parent with court ordered legal custody of the student.
 2. In the event of joint custody, the student shall be eligible at the school that is located in the district where the residency exists of the parent with court ordered physical custody of the student or court ordered placement of the student.
 3. If neither parent has court ordered legal or physical custody of the student, “parent” means the person with legal or permanent custody or the person or entity the student is placed with by the government agency with legal or permanent custody.
 4. If no person or government agency has court ordered legal custody, “parent” shall mean the first parent the student chooses to live with after the legal divorce, court ordered legal separation or court ordered separate maintenance pending a legal divorce. **Revised 2008**
- M. **OUT-OF-STATE TUITION STUDENTS.** Students who transfer from an adjacent state whose school district has a common border with a South Dakota school district, pursuant to the provisions set forth in SDCL 13-36-7, for whom tuition is paid by either the student’s home school district or state, shall be eligible for interscholastic athletics even though there is no corresponding move by the student’s parents or legal guardian. In such cases, eligibility is applicable to the initial transfer only. Any subsequent transfer shall render the student ineligible for one year.
- N. **TRANSFER OF ATHLETIC ELIGIBILITY FOR SDHSAA OPEN ENROLLMENT STUDENTS.** Any student who transfers from a member high school to another member high school shall be eligible to participate in interscholastic athletics provided such student has met the standards for SDHSAA athletic open enrollment as defined in the following paragraph: **(Amended 6-8-17)**

1. SDHSAA athletic open enrollment students transferring from one high school to another must have the school (s)he leaves file a transcript of credits with the principal of the school to which (s)he is transferring. Until such transcript is filed the student is ineligible.

In order for SDHSAA athletic open enrollment students to be eligible immediately for participation in interscholastic athletics of the SDHSAA, the student must both: (1) be enrolled on the first day of the school year at the school they are open enrolling to, and, (2) have not competed in any SDHSAA sanctioned athletic contest at the school they are open enrolling from during that school year's athletic season. Member schools must have the necessary athletic open enrollment papers filed with the SDHSAA office prior to allowing athletic open enrollment students the opportunity to play. Until such athletic open enrollment paperwork is filed, the student is ineligible.

2. For students who do not meet these criteria:
 - a. SDHSAA athletic open enrollment students enrolled in a SDHSAA member school which operates a five (5) day week shall become eligible on the forty-sixth (46th) scheduled day of school provided all other SDHSAA regulations are met. Member schools must have the necessary athletic open enrollment papers filed with the SDHSAA office prior to allowing athletic open enrollment students the opportunity to play. Until such athletic open enrollment paperwork is filed, the student is ineligible.
 - b. SDHSAA athletic open enrollment students enrolled in an SDHSAA member school which operates a four (4) day week shall become eligible on the thirty-seventh (37th) scheduled day of school provided all other SDHSAA regulations are met. Revised 2005 Member schools must have the necessary athletic open enrollment papers filed with the SDHSAA office prior to allowing athletic open enrollment students the opportunity to play. Until such athletic open enrollment paperwork is filed, the student is ineligible.
3. In addition, all such students must meet all other eligibility requirements.
4. For purposes of this Bylaw "standards for open enrollment" shall mean such standards authorized by a public school board as required by SDCL §13-28-40 through and including SDCL §13-28-47. In the case of a non-public school, such comparable standards and time-lines, as set forth in SDCL §13-28-40 through and including SDCL §13-28-47 would be applicable to such school.
5. In such cases, eligibility is applicable to the initial SDHSAA athletic open enrollment transfer only. Any subsequent SDHSAA athletic open enrollment transfer to another high school shall render the student ineligible for one year with one exception.

The exception: In the event a student returns to: (1) his/her former school; or (2) where his/her parents reside, the student will not be eligible until the beginning of the following school year.

NOTE: The open enrollment statutes SDCL §13-28-40 through §13-18-47 do not change the Bylaws of the SDHSAA. Thus Chapter II, Part I, Section 1, Sub-Sections (a) and (f) apply to sports eligibility for all open enrollment students.

- Once enrolled in a nonresident district or non-assigned school, the student may remain enrolled and is not required to resubmit annual applications.
- Students who open enroll from one school in a cooperative to the other school(s) in the same cooperative will not have to sit out the 45/36 school day waiting period providing all school(s) in the cooperative coop in all athletic activities in the same gender. Minutes-November 25, 2002

NOTE: See State Statutes section of Athletic Handbook for Open Enrollment Options between North Dakota and Minnesota.

- O. Any student granted eligibility pursuant to Article VII, Section 3, sub-section (j), page 18 (waiver of the transfer rule due to hardship) would not be eligible until the beginning of the following school year should the student return to his/her school or where his/her parents/guardians reside.

SECTION 2. PARENTS' CONSENT. Each school year each candidate for membership for any high school athletic team for interschool athletics shall have on file with the high school principal the written consent of the parents for athletic participation.

SECTION 3. HEALTH STATEMENT. Every student, before being allowed to participate in interscholastic athletics, must have passed a physical examination of a duration no longer than triennial. A pre-participation Interval Health History report must be completed annually.

Certification as to the adequacy of a student's health for athletic participation shall be restricted to a duly licensed doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician's assistant or nurse practitioner, on official blanks furnished by the Executive Director/member school. The date of such required health certification shall be one of the entries on the annual report of student athletic participation made to the Executive Director by each member school.

SECTION 4. STUDENT'S OWN NAME. To be eligible a student must have always participated under his/her own name in all his/her athletic competition.

SECTION 5. HIGHER INSTITUTION PARTICIPATION. No student who has ever participated in athletics in any institution of learning of higher rank than standard secondary schools shall be eligible for athletic competition in a member school of this Association. **NOTE:** "High school seniors who have completed their high school eligibility in a

sport may participate in try-outs held on a college campus in that sport without jeopardizing remaining eligibility in other high school sports.”

SECTION 6. AMATEUR STANDING. A student shall be a true amateur in all sanctioned sports of this Association in order to compete in any sport so sanctioned. A student is governed by the amateur eligibility rules of that sport.

A student may be declared ineligible if he/she:

- A. Accepts cash, merchandise, compensation or illegal awards when competing in a sport sanctioned by the Association beyond the monetary limits set in the SDHSAA Athletic Handbook.
- B. Enters into an agreement or contract to compete in professional sports.
- C. Received remuneration for coaching any SDHSAA approved sport during the season of the sport in his/her school.

NAME, IMAGE, AND LIKENESS (UPDATED 2024): A student may receive remuneration for the use of their name, picture, likeness, and/or personal appearance provided that:

1. The activities do not interfere with the student’s academic obligations.
2. The remuneration is not tied to athletic performance (pay for play).
3. The remuneration is not used as an inducement to attend a particular school or transfer to a particular school.
4. The remuneration is not provided by the school or agents associated with the school (i.e.- Booster Clubs, Foundations)
5. SDHSAA or member school marks or logos may not be used in any activity where the student receives remuneration for the use of name, picture, and/or personal appearance, nor shall the SDHSAA or member school name/mascot be referenced in the activity.
6. Member school uniform may not be used (worn, displayed, or otherwise) in the activity.
7. Clothing or equipment with the member school or SDHSAA logo may not be used in the activity.
8. Member school facilities may not be used in the activity.
9. SDHSAA or member school awards/trophies may not be displayed or referenced in the activity.
10. The student shall not promote or endorse activities associated with alcohol, tobacco, vaping, controlled substances, gambling, banned athletic substances, or other illegal substances/activities.
11. Member schools may not arrange, develop, or promote the relationship between the student and the involved entity.

Further considerations:

- International students are advised to consult US Visa and immigration laws, as well as laws in their home country, prior to engaging in any agreement.
- It is recommended that students and families seek legal counsel and tax advice on any remuneration received.
- It is the responsibility of the student and the student’s family to contact the NCAA, NAIA, NJCAA, or any other applicable post-secondary institution that may be considering to review the rules and ensure they are not jeopardizing post-secondary eligibility.
- Students may use professional NIJL services for advice, representation, and marketing. However, that professional service may not be an employee or private contractor of the member school or school affiliated organizations (i.e.- Booster Clubs, Foundations).

Amateur eligibility status is not affected under the following:

- A. If a student receives a stipend/fee for officiating a sport recognized by the SDHSAA.
- B. If his/her name or picture, or a team picture appears on a commercial profit making venture as long as the athlete receives no remuneration of any kind.
- C. If a student accepts an athletic scholarship to any institution of higher learning.

Should a student lose his/her amateur standing; he/she may be reinstated by the Board of Directors after the lapse of one year.

SECTION 7. NON-SCHOOL TEAM/INDIVIDUAL PARTICIPATION. A student who is a member of a high school team may not participate in that particular sport during the “in-season” time period on an independent or non-high school team or as a member of any “All-Star” team, or completely unattached on an individual basis.

(Approved Interpretation: Revised 2015) Violation of the above-listed team-membership rule, or any other action by a student wherein their team membership ceases causes the student to become subject to the following penalty structure:

- a. First Violation – violating athletes will be suspended for 25% of that season’s regularly scheduled varsity contests
- b. Second Violation – violating athletes will be suspended for the duration of that sport’s season
- c. The 25% figure as noted in the first violation would include suspensions and forfeitures as follows:
 - i. If the violation is discovered before any contests have been completed, the student simply is suspended for the next one-quarter of that season’s regularly-scheduled varsity-level contests (or

time duration of such contests), to include post-season games if necessary to fulfill the one-quarter season length requirement.

- ii. If the violation is discovered after contests have been played with an athlete who was ineligible due to violation, those contests played from date when the violation occurred through the date of discovery shall be forfeited.
- iii. If season is concluded when an in-season violation is discovered, the final one-quarter of contests of that completed season will be forfeited.

SECTION 8. INTERSTATE COMPETITION. A student participating in a contest against a team from a school in another state, whether the contest is held in South Dakota or not, must be eligible under the Constitution and By-laws of the SDHSAA, in addition to any other requirements in the way of eligibility that the contest may involve. In interstate high school athletic contests involving teams from member schools of this Association, however, the rules of the National Federation of State High School Associations shall have precedence over the Constitution and Bylaws of the SDHSAA.

SECTION 9. STUDENT/COACH EJECTION FROM A CONTEST. Any student or coach ejected from an interscholastic contest by game officials will be ineligible for the next regularly scheduled contest at that level of competition and all other contests in the interim at any level of competition.

In the sport of football only, any player ejected/disqualified for specifically violating the provisions of "Illegal Personal Contact" as outlined in NFHS Rule 9-4-3, sub-sections (a) through (i) and (k) through (o):

- (a) Shall be disqualified only for the remainder of the current game if the foul occurs in the first half of a game, or,
- (b) Shall be disqualified from the remainder of the current game, as well as the first half of the next varsity contest, if the foul occurs in the second half of a game. Adopted 6-6-19

A second ejection that occurs during the same sport season shall cause that coach or athlete to be ineligible for the next four regularly scheduled contests at that level of competition and all other contests in the interim at any level of competition.

A third ejection that occurs during the same sport season shall cause that coach or athlete to be ineligible for all contests for the remainder of that specific sport season at all levels of competition. **Adopted 5-27-14**

If penalties are imposed at the end of a sport season and no contests remain, the penalty is carried over to the next school year to be served in that particular sport. If the ejected individual is in his or her senior year, the penalty shall instead carry over to their next scheduled varsity contest in any sport where the student has previously established team membership and is an active member of the team (the student may not join a sport at the end of a season in order to serve the suspension before the next season begins, they must have previously established team membership for the game suspension to count. The student may also not join a team and then not participate, solely for the purpose of serving the suspension. Example- student is ejected the last contest of basketball season, joins track to serve the game suspension but is not an active member of the team- does not practice or compete). **Updated July 2023**

Student: Anytime a student-athlete is ejected from a contest, he/she is not allowed to participate for the remainder of that day. The student is also suspended from the next scheduled, rescheduled, or contracted date at that level of competition and all games/meets in the interim at other levels of competition. If the ejection occurs during the last regular season contest at the sub-varsity level, the student is suspended from all competition that day plus the next regular season contest at the varsity level or the first post-season contest, which ever occurs first.

NOTE: A suspended player may travel with the team, be in the locker room, sit on the sidelines, etc.; but may not be in uniform during the suspension.

Appeal: A student may appeal his/her disqualification to the SDHSAA if it can be verified that his/her actions did not contribute to the disqualification. A complete report must be sent to the Association for review. The decision of the Board of Directors, or its designee, shall be final.

When an ineligible athlete is allowed to participate in violation of this Bylaw, forfeiture of the contest is mandatory.

NOTE: In cases where an appeal has been requested by a student, the clause "his/her actions did not contribute to the disqualification" applies only to a student-athlete who was wrongfully ejected due to the recording of an incorrect number by the officials. Source: Minutes of the November 9, 1996 Board of Directors Meeting.

NOTE: If a change in schools occurs prior to the student or coach sitting out the one game suspension, it is expected that the new school will enforce the one-game suspension even in cases when said move does not occur until the next school year. Source: Minutes of the January 10-11, 2001 Board of Directors Minutes.

Coach: Anytime a coach is ejected from a contest, he/she is not allowed to coach for the remainder of that day. The coach is also suspended from the next scheduled, rescheduled or contracted date the level of competition in which the ejection occurred, as well as all contests in the interim at any level of competition. If the ejection occurs during the last regular season contest at the sub-varsity level, the coach is suspended from all competition that day plus the next regular season contest at the varsity level or the first post-season contest, which ever occurs first. **NOTE: Suspended coaches may not travel with the team or be at the venue during any contest(s) while under suspension.**

Appeal: A coach may appeal the penalty only when he/she is disqualified as a result of indirect unsportsmanlike conduct penalties being assessed and his/her actions did not contribute to the disqualification. The appeal will be heard by the

SDHSAA. A complete report must be sent to the Association for review. The decision of the Board of Directors, or its designee, shall be final.

When an ineligible coach is allowed to participate in violation of this bylaw, forfeiture of the contest is mandatory.

SECTION 10. TERMINATION OF A CONTEST. If the head coach is ejected from the contest and an assistant coach or school administrator is not available to assume the coaching duties, the contest is terminated and forfeited to the opponent.

SECTION 11. CONTEST SUSPENDED BY OFFICIALS. When a contest ends prematurely because of unsportsmanlike conduct or behavior and the on-site officials award the game on the basis of the score or on the basis of forfeiture, one or both schools may be subjected to any, but not limited to, the following as determined by the Board of Directors: monetary fine, written censure, forfeiture, probation with competition, suspension.

PART II REGULATIONS GOVERNING LOCAL ADMINISTRATION OF ATHLETICS

SECTION 1. LICENSED OFFICIALS MANDATORY. No official shall be eligible to officiate in any SDHSAA inter-school varsity contests unless (s)he has met the licensing standards as established by the SDHSAA Board of Directors.

NOTE: SEE OFFICIALS REQUIREMENTS IN THE GENERAL SECTION OF THE ATHLETIC HANDBOOK.

SECTION 2. COACHES EDUCATION REQUIREMENTS. All athletic coaches in grades 9-12 in member schools are required to meet the educational standards as established by the Board of Directors.

SECTION 3. MANDATED TEAM PRACTICE. No member school shall participate in an athletic contest, in any sport, unless the team has had five days of practice. This regulation does not apply to individuals.

SECTION 4. RECORDS OF ATHLETIC PARTICIPATION. Each member school must keep in a record book provided by the Association a complete record of the athletic participation of each of its students and shall also enter such related data as may be specified by the Executive Director. On or before June 30 of each year each member shall submit to the Executive Director on blanks provided by him a complete report of the athletic participation of all students for the year. Failure to comply with this regulation suspends membership, and reinstatement requires the filing of the required report. Athletic contests with a school that had its membership suspended under this Bylaw are forbidden unless and until reinstatement is affected.

SECTION 5. AWARDS. The Board of Directors shall annually set the monetary value of awards which may be accepted by the athletes of member schools. A member school shall not give awards for athletic participation of any kind that have a value more than the amount set by the Board of Directors. Any student who accepts an award from any source for athletic participation that has a value of more than the amount set by the board, except in the case of medals or other awards given or approved by the Association in connection with tournaments, meets, and other athletic contests, shall be ineligible for any further participation in athletic contests under the jurisdiction of this Association. This Bylaw has no bearing on sweaters or jewelry or other athletic trophies that may be purchased by the athlete's parents or bought by the student with money earned by the student.

The Board of Directors may waive the awards rule for non-school athletic events held during the summer months after school closes in the spring and before school opens in the fall. A student is restricted by the closing and opening dates of the school which the student attends.

SECTION 6. ANNUAL ELIGIBILITY REPORT. Prior to the start of any sport or fine arts activity, the high school principal or his/her designee shall verify to the coaching staff in each sport respectively and to the director of each fine arts activity respectively, that the students participating in those activities meet all the eligibility requirements set forth in Chapter I, Part IV, page 22, and Chapter II, Part I, page 24, of the Bylaws.

In the event an ineligible student is allowed to participate in an interscholastic contest, forfeiture will be automatic. Additionally, the Board of Directors shall determine other penalties as deemed appropriate.

On or before May 1, each high school principal or his/her designee shall submit to the Executive Director the Annual Athletic Eligibility Report Form listing the names and other pertinent data of all students who participated in interscholastic athletics for the school year just completed.

On or before May 1, each high school principal or his/her designee shall submit to the Executive Director the Annual Fine Arts Eligibility Report Form listing the names and other pertinent data of all students who participated in interscholastic fine arts activities for the school year just completed.

In the event a student becomes ineligible at any time during the school year, it shall be the duty of the high school principal or his/her designee to so inform the athletic coach or fine arts director at which time the student will be immediately withdrawn from all interscholastic competition.

SECTION 7. NO WAIVING OF BYLAWS OR RULES. None of the Bylaws or rules of this Association shall be waived by mutual agreement, or otherwise, for athletic contests between member schools or between a member school and a non-member school.

SECTION 8. EXPENSES FOR A VISITING TEAM. The amount of reimbursement to a visiting team shall be arranged between the officials of the schools concerned but must be decided upon in advance and made a part of the contract for the game or contest.

SECTION 9. NO UNIFORM ON NON-ELIGIBLES. In the vicinity of an athletic contest in which any member of this Association is participating, no ineligible student of a member school shall be permitted to wear an athletic uniform for the sport involved.

NOTE: It is a violation of this Bylaw whenever an ineligible player suits up for a contest regardless if the athlete does or does not play.

SECTION 10. BYLAWS AND RULES APPLY TO ALL ATHLETIC CONTESTS. The Bylaws and rules of this Association shall apply to all inter-school athletic contests of any and every kind sponsored or participated in by member schools.

SECTION 11. CANCELING CONTESTS. No school shall fail to have its team play or participate in a scheduled athletic game or contest without full agreement of the other school concerned or without, in case of failure in mutual agreement, getting the approval of the Executive Director for the cancellation. Except for bad weather or other emergency cause for a request for cancellation of a contest from the Executive Director such request shall be made at least one week in advance. Violation of this Bylaw forfeits the game or contest for the violating school and that school may be barred, by Board of Directors action, from athletic participation in the Association for one year.

PART III RULES AND PROVISIONS FOR TOURNAMENTS AND MEETS

SECTION 1. SANCTIONED MEETS. Sanction for all athletic and fine arts meets or tournaments involving non-member schools or out-of-state schools must be approved by the Executive Director, or his/her designee, of the SDHSAA.

For all out-of-state athletic and fine arts activities, the SDHSAA shall follow the standards and procedures as established by the National Federation of State High School Associations and the SDHSAA Board of Directors.

SECTION 2. ELIMINATION TOURNAMENTS AND MEETS. The Board of Directors shall have jurisdiction over all Association district and region tournaments and meets and shall divide the state appropriately for such tournaments and meets. The Board of Directors shall have the right to levy percentage assessment upon the gate receipts of any or all classes of elimination tournaments, the money from which shall be placed in the treasury of the Association.

SECTION 3. DELEGATED MANAGEMENT OF TOURNAMENTS AND MEETS. The Board of Directors shall delegate the immediate management of district and region tournaments and meets to committees of school officials from the schools concerned with each; and shall give such committees power to handle all details connected with each; provided the tournament or meet in each case shall be operated in accordance with these Bylaws and rules.

SECTION 4. BASIC PLANS FOR CONTESTS LEADING TO STATE CHAMPIONSHIPS. The basic plans for dividing the schools into more than one class and providing tournaments and meets leading to state championships shall be determined by the association and may be amended by the same methods as used in amending other Bylaws. The basic plans shall be published by the Board of Directors and sent to all member schools. These shall include, in addition to the details of the basic plans, the supplementary rules and regulations of the Board of Directors for implementing the basic plans.

When dividing the membership into classes for the purpose of competition, the Board of Directors shall use Average Daily Membership figures based upon the ADM in grades 9, 10 and 11. A copy of the enrollment data will be received from the Department of Education by the Executive Director of the South Dakota High School Activities Association on the first Friday in December of each reclassification/alignment year. Reclassification and alignments for all sports and fine arts activities shall be done at the same time so that the two-year periods are concurrent for all activities.

In the years of reclassification the Executive Director will receive the ADM's on the first Friday in December and formulate plans of alignments and disseminate to the membership on or before the 15th day of February to receive input into the staff alignment plans. The Board of Directors will make its final decision at the regular meeting held in February/March. For activities in which there is no basic plan included in these Bylaws, the Board of Directors shall have authority to set up classifications and make assignment of schools to districts, sections or regions as it deems necessary.

SECTION 5. STATE TOURNAMENTS AND MEETS. The Board of Directors and the Executive Director shall have immediate charge and control of all state tournaments and meets of the association and shall place in the treasury of the association the receipts there from and shall pay from the treasury of the association the necessary expenses involved.

SECTION 6. TEAMS NOT TO BE WITHDRAWN. Any member school that has a team qualified to enter an association tournament, or which has entered such a tournament, to which tournament team expenses are paid from the receipts, cannot withdraw such team from the tournament, except for causes beyond the school's control. The penalty for violation of this Bylaw shall be expulsion from the Association.

SECTION 7. TOURNAMENTS AND MEETS INVOLVING NON-MEMBERS. Member schools may sponsor dual contests, tournaments and meets; and eligible students from member schools may participate in said dual contests, tournaments and meets in which there are participating pupils from non-member schools provided said duals, tournaments or meets are approved in advance by the Executive Director.

SECTION 8. PARTICIPATING SCHOOL RESPONSIBILITY. Member schools shall use all reasonable precaution to insure precaution to insure proper conduct on the part of all respective students attending tournaments and shall assume definite responsibility toward the conduct of such students both at large and individually.

**TRANSFERS TO CHEYENNE-EAGLE BUTTE, CROW CREEK, FLANDREAU INDIAN,
MARTY INDIAN, PINE RIDGE, ST. FRANCIS, TODD COUNTY
Addendum to Chapter II, Part I, Section I
Adopted by the Board of Directors on June 8, 2005, Amended**

A student who transfers to a twenty-four (24) hour Bureau of Indian Education (BIE) boarding school which is partially or wholly funded by ISEP (Indian Student Equalization Program): Cheyenne-Eagle Butte, Crow Creek, Flandreau Indian, Marty Indian, Pine Ridge, St. Francis or Todd County High School (students residing in Sicangu Owayawa Oti), from an SDHSAA non-member school, would be eligible for participation after ten (10) school days provided they meet all eligibility requirements as per SDHSAA Constitution and Bylaws, Part IV-Student Eligibility for Fine Arts and Athletic Participation, pages 22-23. This would apply to the initial transfer only.

**ADMINISTRATIVE PROCEDURE POLICY
PERTAINING TO ARTICLE VI, SECTION 1
ADOPTED July 1, 1988
ADMINISTRATORS WITH DUAL RESPONSIBILITY**

The seats on the Board of Directors representing the school administrative positions must be represented by a person from the appropriate administrative position; a superintendent/CEO or assistant superintendent/CEO is considered a superintendent and would be eligible for only those seats open to superintendents; a principal/ assistant or vice principal is considered a principal and would be eligible only for those seats open to principals; an assistant or vice principal/athletic or activities director who devotes time to athletics/activities would be eligible for the seats open to athletic/activities directors; athletic/activities directors who teach would be eligible for those seats open to athletic/activities directors. The intent of this procedure is to assume that all administrative levels will be fairly represented on the Board of Directors pursuant to the ratio system set forth in Article VI, Section 1.

**ROTATION FOR FILLING FUTURE VACANCIES
ON THE BOARD OF DIRECTORS**

1. **Division I Representative:** Largest schools with one-fourth of the school enrollment in grades 9-11
 - Currently held by Ryan Rollinger, Harrisburg High School
 - Election to be held during the 2024-25 school year
 - Term: July 1, 2025 – June 30, 2030
 - To be filled by an Athletic/Activities Director

2. **Division II Representative:** Schools with one-fourth of the school enrollment in grades 9-11
 - Currently held by Dr. Jeff Danielsen, Watertown School District
 - Election to be held during 2026-2027 school year
 - Term: July 1, 2027 - June 30, 2032
 - To be filled by a Superintendent

3. **Division III Representative:** Schools with one-fourth of the school enrollment in grades 9-11
 - Currently held by Adam Shaw, Madison High School
 - Election to be held during 2027-28 school year
 - Term: July 1, 2028 - June 30, 2033
 - To be filled by a Principal

4. **Division IV Representative:** Smallest schools with one-fourth of the school enrollment in grades 9-11
 - Currently held by TBD, TBD High School
 - Election to be held during the 2025-2026 school year
 - Term: July 1, 2026 – June 30, 2031
 - To be filled by a Superintendent

5. **Large School Group Board of Education:** Largest schools which comprises one-half of the school enrollment in grades 9-11
 - Currently held by Randy Hartmann, Pierre School District
 - Election to be held during 2027-28 school year
 - Term: July 1, 2028 - June 30, 2033
 - To be filled by a Large School Group Board of Education Member

6. **Small School Group Board of Education:** Smallest schools which comprises one-half of the school enrollment in grades 9-11
 - Currently held by Marty Weismantel, Groton Area School District
 - Election to be held during the 2024-2025 school year
 - Term: July 1, 2025 – June 30, 2030
 - To be filled by a small school group board of education member

7. **East River At-Large:** Any school located east of the Missouri River. The physical location of the high school shall determine whether said school district is east river
 - Currently held by Trent Osborne, Ipswich High School
 - Election to be held during 2024-25 school year
 - Term: July 1, 2025 - June 30, 2030
 - To be filled by a Principal

8. **West River At-Large:** Any school located west of the Missouri River. The physical location of the high school shall determine whether said school district is West River
 - Currently held by TBD, TBD High School
 - Election to be held during 2028-29 school year
 - Term: July 1, 2029 - June 30, 2034
 - To be filled by a Principal

9. **Native American At Large:** Native American School shall be defined as any SDHSAA member school with a Native American student population of at least 50% in grades 9-12 as determined by the SD Department of Education.
 - Currently held by Chuck Wilson, Todd County High School
 - Election to be held during the 2028-2029 school year
 - Term: July 1, 2029-June 30, 2034
 - To be filled by a Superintendent

PROCEDURE FOR FILLING A VACANCY

When filling a vacancy on the Board of Directors, should the length of term to be filled:

- A. equal or exceed two (2) years, the position will be filled via election with the elected person unable to run for re-election,
- B. be less than two (2) years and more than one (1) year, the position will be filled by appointment with the appointed person able to run for election should his/her position on the Board of Directors be the vacant position,
- C. be less than one (1) year, the position may be filled by appointment with the appointed person able to run for election should his/her position on the Board of Directors be the vacant position.

IMPLEMENTATION OF THE RATIO SYSTEM

RATIO: **First digit represents Superintendents/CEO's**
Second digit represents Principals
Third digit represents Athletic/Activity Directors

YEAR	Ratio	Div. I	Div. II	Div. III	Div. IV	E. River	W. River	NA
2024-25	3:2:2	Prin.	Supt.	Prin.	A.D.	Supt.	*Supt.	*A.D.
2025-26	2:2:3	*A.D.	Supt.	Prin.	A.D.	*Prin.	Supt.	A.D.
2026-27	3:2:2	A.D.	Supt.	Prin.	*Supt.	Prin.	Supt.	A.D.
2027-28	2:3:2	A.D.	*Prin.	Prin.	Supt.	Prin.	Supt.	A.D.
2028-29	2:2:3	A.D.	Prin.	*A.D.	Supt.	Prin.	Supt.	A.D.
2029-30	2:3:2	A.D.	Prin.	A.D.	Supt.	Prin.	*Prin.	*Supt.
2030-31	3:2:2	*Supt.	Prin.	A.D.	Supt.	*A.D.	Prin.	Supt.
2031-32	2:3:2	Supt.	Prin.	A.D.	*Prin.	A.D.	Prin.	Supt.
2032-33	2:2:3	Supt.	*A.D.	A.D.	Prin.	A.D.	Prin.	Supt.
2033-34	3:2:2	Supt.	A.D.	*Supt.	Prin.	A.D.	Prin.	Supt.
2034-35	2:2:3	Supt.	A.D.	Supt.	Prin.	A.D.	*A.D.	*Prin.
2035-36	2:3:2	*Prin.	A.D.	Supt.	Prin.	*Supt.	A.D.	Prin.
2036-37	2:2:3	Prin.	A.D.	Supt.	*A.D.	Supt.	A.D.	Prin.
2037-38	3:2:2	Prin.	*Supt.	Supt.	A.D.	Supt.	A.D.	Prin.
2038-39	2:3:2	Prin	Supt	*Prin	A.D.	Supt	A.D.	Prin
2039-40	3:2:2	Prin	Supt	Prin	A.D.	Supt	*Supt	*A.D.
2040-41	2:2:3	*A.D.	Supt	Prin	A.D.	*Prin	Supt	A.D.
2041-42	3:2:2	A.D.	Supt	Prin	*Supt	Prin	Supt	A.D.
2042-43	2:3:2	A.D.	*Prin	Prin	Supt	Prin	Supt	A.D.

*The asterisk indicates the beginning of a new term.

Highlight indicates final year of term, election to be held for that position