

ASAA Citizenship Rule (Final Adoption)

April 28, 2008

ASAA Bylaw Article 12, Section 8, Citizenship Rule and Tobacco, Alcohol and Controlled Substance Policy Reference

Citizenship Rule:

The determination by a member school that a student is ineligible based on poor citizenship or violation of the Tobacco, Alcohol and Controlled Substance Policy, is not appealable to the Association.

Expelled Student:

A student who is expelled from a member school will not be eligible in another member school for the duration of the period of expulsion.

A. Controlled Substance, Alcohol and Tobacco Position Statement:

ASAA and its member schools recognize that the use of tobacco, alcohol and controlled substances is a significant health problem for many students, resulting in negative effects on behavior, learning and their total development. The use of tobacco, alcohol and controlled substances by students affects academic development, personal growth, extracurricular activities participation and the development of related skills. Others affected by misuse and abuse are family members, teammates and other significant persons in their lives.

ASAA and its member schools believe that close contact of parents, coaches, advisors, students and communities in interscholastic activities and classrooms provides a unique opportunity to observe, confront and assist one another. It is the philosophy of ASAA and its member schools that students should be encouraged and supported in their efforts to develop and maintain a chemical-free life style.

Participation in ASAA sanctioned sports and activities is a privilege which requires all participants to adhere to rules imposed by the member schools and/or member districts that students attend and represent. The policy described in this article is intended to further the following purposes:

1. To emphasize the health and safety of students while participating in activities, to recognize the long-term physical and emotional effects of tobacco, alcohol and controlled substance use on student health, and to minimize the potential for injury.
2. To promote a sense of order and discipline among students.

3. To recognize that a student's possession, distribution or use of tobacco, alcohol and controlled substances during the school year or during interscholastic competition outside of the school year, even during times when the student is not actively participating in interscholastic activities, may nevertheless be detrimental to health, safety, order and discipline when the student is participating.
4. To assist schools in the establishment of policies that are consistent with ASAA standards of athletic and activity eligibility.
5. To support schools that have programs to assist students in resisting peer pressure which influences students to use tobacco, alcohol and controlled substances.

B. Policy Reference Regarding Possession, Distribution and Use of Tobacco, Alcohol and Controlled Substances:

The Board of Directors has adopted a statewide policy regarding the possession, distribution and use of tobacco, alcohol and controlled substances which will go into effect, beginning with the 2008-09 school year, or at the beginning of any sport or activity season which begins prior to the first day of school. This policy includes clear minimum guidelines and penalties which are cumulative and progressive, a time period in which the policy applies, various educational components, an explanation of how violations are determined and reported, a required *Student/Parent/Legal Guardian TAD Acknowledgment Form* which must be signed prior to participation, and a definition of terms.

The complete Tobacco, Alcohol and Controlled Substances (TAD) Policy follows below.

Tobacco, Alcohol and Controlled Substances (TAD) Policy

In order to ensure adoption of tobacco, alcohol and controlled substances use policies by member schools and districts, ASAA requires that member schools and districts adopt the following policy. This is intended to set forth minimum restrictions and penalties, subject to greater or additional restrictions or penalties which may be adopted by member schools or school districts.

1. Prohibited Conduct: The possession, distribution or use of any tobacco products, alcohol and controlled substances by a student-athlete or activity participant, whether it occurs on or off school property, is prohibited and shall result in the penalties set forth herein.
2. Time Period During Which Policy Applies: The policy in this section applies to any student who is participating or has participated in interscholastic activities starting from

the student's first participation in interscholastic activities, including formal practices which precede interscholastic competition after the initial signing of the Student/Parent/Legal Guardian (TAD) Acknowledgement Form, at any ASAA member school, and continuing until the student graduates from high school. This policy applies during "calendar days" as defined in this section. The policy first goes into effect on July 28, 2008 for students playing football, tennis, and cheerleading.

3. Educational Component: The educational component is a critical part of the policy and is comprised of four parts; Pre-Participation Orientation, First Offense, Second Offense, and Third Offense. ASAA will provide the first three parts of this component to member schools on DVD and through the ASAA website. An overview of each part is included under Section 10. Definitions.

4. Cumulative and Progressive Penalties: Violations of this policy will be cumulative and progressive, as described in the following paragraph, throughout a student's high school years. If a student transfers from one ASAA member school to another ASAA member school, the student's cumulative violations will accompany such transfer and shall be the basis for any additional penalties should further violations occur.

5. Minimum Penalties for Violation of this Policy: Minimum penalties for violations of this policy are:

First Offense

The student will be suspended from interscholastic activities and practice for 10 (ten) calendar days (as defined in Section 10). Fifty (50) percent of the suspension will be forgiven and the student may return to practice if the student and parent/guardian complete the First Offense educational component.

For tobacco use, if a student under the First Offense Penalty violates the Tobacco Rule within the 10 (ten) calendar day period of suspension, the student's period of suspension will start over again; the First Offense educational component will become mandatory, and no forgiveness will be granted. This process will continue until the student has demonstrated 10 (ten) calendar days without a subsequent tobacco violation. A student who has not completed a suspension or re-suspension under the first Offense Penalty for violation of the Tobacco Rule does not become subject to imposition of penalties under a Second, Third or Fourth Offense for violation of the Tobacco Rule, until the student has completed all suspensions and re-suspensions under the First Offense Penalty for tobacco use. A student serving a First Offense Penalty under the

Tobacco Rule is, however, subject to immediate imposition of a Second Offense Penalty to the extent this is based upon violation of the non-tobacco prohibitions under this Policy.

Second Offense The student will be suspended from interscholastic activities and practice for forty-five (45) calendar days. Both the student and parent/guardian must complete the Second Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Second Offense educational component. A student may need additional days of practice before returning to competition (See Article 7, Section 5).

Third Offense The student will be suspended from interscholastic activities and practice for one (1) calendar year. Both the student and parent/guardian must complete the Third Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Third Offense educational component. A student may need additional days of practice before returning to competition. (See Article 7, Section 5).

Fourth Offense The student's privilege to participate in interscholastic activities and practice is revoked for the remainder of the student's high school years.

These are minimum penalties which may be increased by the member school or member school district, based upon (1) the nature of the violation, (2) the extent to which it occurs on school property or during school activities, and (3) the extent to which it arises in the context of the student's participation in interscholastic activities. Penalties shall be imposed beginning on the first calendar day following a determination that a violation has occurred, except to the extent a school's appeals policy permits a student to continue to participate pending final determination of any appeal filed by the student under such policy. In such case, penalties shall be imposed on the first calendar day following a determination on appeal that a violation has occurred. A student shall be considered ineligible during each calendar day in which a penalty is imposed.

6. Determination of Violations: In implementing this policy, it will be the member school's responsibility to determine the nature and extent of a violation, to impose and

enforce any penalty, to report each violation to ASAA on a standardized form, and to maintain records of all violations by each student occurring after the student's first participation in interscholastic activities. A member school's determination that a violation has occurred and its imposition of penalty may not be appealed to ASAA. If a member school or member school district reverses a determination of violation, it shall promptly notify ASAA of such reversal.

Violations and penalties are to be based upon noncompliance with the policy by the student participant, by the student's parents/legal guardians, or both, provided however, that where a violation is based solely upon action or inaction of the parent or legal guardian and not of the student participant, under circumstances completely beyond the control of the student and where it would be manifestly unfair to disqualify the student on this ground, the member school may, at its discretion, withhold imposition of a penalty against the student.

7. Violations Reported to ASAA and Confidentiality Requirement: After determining that a violation has occurred, the member school shall report the violation to ASAA on the required form. ASAA will provide a *School Report of Violation Form* to member schools and districts. Member schools and districts must report to ASAA a violation of this policy within 3 calendar days of determination that such violation has occurred. A report of violation must show all violations which occurred at the member school or district and the dates thereof, including the specific basis upon which a determination of violation was made. It is ASAA's intention to maintain the confidentiality of all such reports. As such, information concerning a student's previous violations will be disclosed by ASAA only to an administrator of the member school which the student is attending. A school administrator to whom such information has been disclosed may exercise discretion to provide such confidential information as is appropriate to the student's coach or other activity administrator, but only to the extent that such information is provided in a good faith effort to prevent violations and to assist the student in maintaining a lifestyle free of tobacco, alcohol and controlled substance use, and to maintain eligibility to participate in interscholastic activities. An administrator who provides any confidential information to a student's coach or other activity supervisor shall assure that such person will use the information only in communications with the student and shall otherwise maintain strict confidentiality of the information. ASAA's records of violation shall be made available to the student and/or the student's parent or legal guardian upon written request.

8. Student and Parent/Guardian Acknowledgement: ASAA will provide a *Student/Parent/Legal Guardian TAD Acknowledgement Form* to member schools and districts. The form will explain the policies of this section and penalties for violations. The form must be signed by the student and the student's parent or legal guardian, and requires that the student and parent or legal guardian acknowledge that they have read and understand the terms of the policy, including the potential penalties for violations, and that it requires the school to report such violations to ASAA. The form will require that the student and

parent or legal guardian agree to be bound by these terms. Prior to each season in which a student participates in interscholastic activities, a copy of the signed form must be returned to the school before the student is permitted to participate. Member schools shall keep a copy of the signed forms on file.

9. Students Emancipated by Age or Marriage: The requirements in this policy that a parent or legal guardian sign the *Student/Parent/Legal Guardian TAD Acknowledgment Form* and that require that a student's parent or guardian participate in the Pre-participation Orientation or in mandatory education arising from an offense do not apply to a student who has obtained the age of 18 (eighteen) years, or who becomes married if the student has reached the age of 16 (sixteen).

10. Definitions: As used in this section, terms are defined as follows:

Calendar Days – Each day, including weekends and holidays, during the member school's school year. Additionally, if a student participates in any interscholastic activity, including practice, outside of the school year, then the entire period of such participation, including intervening weekends and holidays, counts as calendar days for such student.

Controlled Substance – Any substance appearing on the list of Controlled Substances identified by the federal Office of the Drug Enforcement Administration or as set forth in 21 U.S.C. Section 812, unless the student's usage of such substance is consistent with a physician's prescription for the student's usage. The DEA list of Controlled Substances appears on its internet website at www.dea diversion.usdoj.gov/schedules/schedules.htm. ASAA will, on at least an annual basis, provide member schools with an updated List of Controlled Substances; however, for purposes of ASAA's policy, the current list maintained by the DEA is controlling.

Report to ASAA – Transmission of reporting form to ASAA by facsimile (fax) within the reporting period, or telephonic reporting of violation within reporting period followed by mailing of reporting form. ASAA may adopt an electronic reporting form.

Suspension – As defined in Article 5, Section 1 (A) (6) of ASAA bylaws.

Educational Component – A series of DVD's, software and web based training programs and counseling ranging from a pre-participation orientation session to remedial programs for first through third time offenders. These are designed to keep students in school, teach them responsibility, educate them and their parents/guardians on new behaviors and lifestyles, instill accountability, exemplify teamwork, teach positive decision making skills, and keep students eligible for interscholastic activities.

An overview of each part follows:

Pre-Participation Orientation: The Orientation is required of all student

participants prior to each season of participation, and of a parent/guardian annually, before the student is eligible to participate. This session is a short informative presentation designed to encourage students to maintain a chemical-free lifestyle, and to ensure that students and parents/guardians understand the policy and the consequences for violation. Upon completion of the Orientation, the student and parent/guardian must sign *the Student/Parent/Legal Guardian TAD Acknowledgement Form* as stated in B. 2. above for the student to gain eligibility. Schools will affirm that this has happened by marking the designated field on the Master Eligibility List.

First Offense: This optional session for students who have committed a First Offense is designed to educate students and their parents/legal guardians on how to make positive decisions that will instill accountability and new behaviors in the students. Upon successful completion of this part by both the student and parent/guardian, 50% of a student's suspension from activities will be forgiven. Students completing the First Offense component may return to practice prior to the completion of the period of suspension.

Repeat violations of the Tobacco Rule during the 10 (ten) calendar days of suspension will result in mandatory participation in the First Offense educational component prior to returning to competition. For repeat violations of the Tobacco Rule only, the Second Offense penalties, if based on violations of the Tobacco Rule, will not be imposed unless there is a repeat violation of the Tobacco Rule after the student has completed all suspensions and re-suspensions under the First Offense.

Second Offense: This required session for students who have committed a Second Offense as well as their parents/guardians, must be completed before a student regains eligibility. It is more in-depth than is presented in First Offense. Students completing the Second Offense component may return to practice prior to the completion of the period of suspension. There is no forgiveness of mandatory suspension and students returning to play after this offense may need additional days of practice prior to competition.

Third Offense: Students who violate this policy for a third time have a significant problem. This required session for students who have committed a Third Offense under the rule and wish to regain their eligibility, will target the specific at-risk behaviors and may involve multiple agencies. There is no forgiveness of mandatory suspension. Students completing the Third Offense component may return to practice prior to the completion of the period of suspension.

