

**NDHSAA
Constitution & By-Law Committee
Agenda**

2019-20 Committee Members: Carlson, Jordan, Rerick, Strand

January 16, 2020 – 8:30 am – Valley City – NDHSAA Office – Champions Room

1. Update interpretations/Q & A's
 - a. Part II, Article XIV, Sections II, IX, and X – 2nd reading
2. Review interpretations/Q & A's
 - a. Part II, Article XIV, Section III, Q & A #10 – 1st reading

December 5, 2019 – 9:00 am – Valley City – NDHSAA Office – Champions Room

1. Update language/interpretations
 - a. Part II, Article III, Section IX
 - b. Part II, Article XIV, Section IX
2. Review interpretations/Q & A's
 - a. Part II, Article XIV, Sections II, IX, and X
 - b. Part IV, Article III
3. Review language – Part II, Article XIV, Section III, Q & A #10

September 26, 2019 – 9:30 am – Valley City – NDHSAA Office – Champions Room

1. Review Article XIV, Section XI
2. Review Article XIV, Section IXb, #10

June 10, 2019 – 11:45 am – Valley City – NDHSAA Office – Champions Room

1. Review By-Laws
 - a. Part II, Article XIV
 - b. Part IV, Article III
2. Review Hardship application form
3. Hardship appeal form

April 1, 2019 – 2:45 pm – Fargo – Ramada Inn

1. Review By-Laws
 - a. Article V, Section II
 - b. Article XIV
 - c. Part IV, Article III

January 16, 2018 – 2:30 pm – Valley City – NDHSAA Office – Champions Room

1. Review Article XIV, Section X

November 28, 2018 – 1:00 pm – Valley City - NDHSAA Office – Champions Room

1. Review Article V, Sections I-IV
2. Review Article XIV, Section IX
3. Review Milnor High School request regarding preseason practice sessions

June 12, 2018 – 8:00 am – Valley City – NDHSAA Office – Champions Room

1. Q & A – Senate Page

November 30, 2017 – 9:30 am – Valley City – NDHSAA Office – Champions Room

1. Part II, Article XIV, Section III – Similar season by-law – skills contests

October 5, 2017 – 9:30 am – Valley City – NDHSAA Office – Champions Room

1. Part II, Article XIV, Section III – Similar season by-law – skills contests
2. Part II, Article XIV, Section IX interpretation request – transfer rule

June 13, 2017 – 7:30 am – Valley City – NDHSAA Office – Champions Room

1. Proposed amendments
 - a. Article XIV, Section I
2. Board regulations
 - a. ELL students placed by school district
 - b. Behavior expectations – spectator ejections

May 4, 2017 – 9:00 am – Valley City – NDHSAA Office – Champions Room

1. Proposed amendments – 2nd readings
 - a. Article V, Section II
 - b. Article XIV, Section I
2. Review hardship application form
3. Discuss spectator ejection regulation
4. ELL student vs. Special Ed Placement
5. Similar season permission clarification

March 17, 2017 – 8:00 am – Minot – Holiday Inn Riverside – Aegean Room

1. Academic eligibility – Q and A
2. Article V, Section II – electronic ballot

January 19, 2017 – 9:00 am – Valley City – NDHSAA Office – Champions Room

1. Academic eligibility – Q and A
2. Alcohol, Drug, and Tobacco rule – medical marijuana
3. Article XIV, Section I

December 1, 2016 – 9:15 am – Valley City – NDHSAA Office – Sylling Room

1. Awards by-law – questions and answers
2. Academic eligibility – definition of regularly attends

August 16, 2016 – 10:00 am – Valley City – NDHSAA Office – Champions Room

1. Pre-season participation rule #2 – Part III, Page 1
2. Academic Eligibility - Definition of regularly attends
3. Awards by-law amendment draft

June 13, 2016 – 1:30 pm – Valley City – NDHSAA Office – Sylling Room

1. Legal separation interpretation

2. Home school transfers
3. Legal challenge policy
4. Summer camps

April 19, 2016 – 10:00 am – Valley City – NDHSAA Office - Champions Room

1. Awards by-law amendment
2. Transfer rule – divorce/legal separation interpretation
3. Fargo North request – out-of-season coaching rule

March 17, 2016 – 5:00 pm – Minot – MSU Dome – Room 206

1. Draft awards by-law language

January 25, 2016 – 3:00 pm – Bismarck – Ramkota Hotel - Governor's Room

1. Awards By-Law

November 20, 2015 – 8:00 am – Minot – Holiday Inn Riverside – Aegean Room

1. Code of Conduct discussion
2. Transgender regulation

October 21, 2015 – 8:00 am – Bismarck – Ramkota Hotel – Room 3160

1. Discuss Code of Conduct guidelines with NDHSAA Legal Counsel

August 18, 2015 – 9:30 am – Valley City – NDHSAA Office – Champions Room

1. Continue discussion on Code of Conduct

April 21, 2015 – 10:30 am – Valley City – NDHSAA Office

1. Review academic eligibility interpretations/Q and A draft

March 19, 2015 – 10:00 am – Bismarck – Ramkota – Governor's Room

1. Continue discussion on interpretation for enrollment count date regarding the 325 rule
2. Develop draft of academic eligibility interpretations/Q and A's

January 26, 2015 – 3:00 pm – Bismarck – Ramkota – Governor's Room

1. Develop interpretation for enrollment count date regarding the 325 rule
2. Academic Eligibility By-Law Review

November 21, 2014 – 11:00 am – Minot – Holiday Inn – Mediterranean Room

1. Finalize language for academic eligibility By-Law amendment proposal

October 15, 2014 – 8:30 am – Bismarck – Ramkota, Room 3160

1. NDCEL Breakout session
2. Review language and interpretations for amending academic eligibility By-Laws
 - a. Article XIV, Section IV, V, VIII

September 16, 2014 – 9:00 am – NDHSAA Office

1. Review language and interpretations for amending academic eligibility By-Laws
 - a. Article XIV, Section IV, V, VIII

August 13, 2014 – 11:15 am – NDHSAA Office

1. Discussion on Academic Eligibility

June 18, 2014—1:00 p.m., Erik Ramstad MS, Minot

1. Review language for amending the academic eligibility By-Laws.
 - a. Article XIV, Section IV, V, VIII
 - b. look at language involving the use of E-Cigarettes

April 22, 2014—10:00 a.m., Valley City Office

1. Review language for amending the academic eligibility By-Laws.
 - a. Article XIV, Section IV
 - b. Article XIV, Section V
 - c. Article XIV, Section VIII

March 21, 2014—8:00 a.m., Fargo Radisson, Prairie Rose Room

1. Review survey results and discuss further action.

January 25, 2014—8:00 a.m., Bismarck Ramkota, Governor's Room

1. Continue discussion of Academic Eligibility.
2. Finalize a survey for member school input.

October 22, 2013—11:00 a.m., Minot Pizza Ranch

1. Continue discussion of Academic Eligibility.
 - a. Article XIV, Section IV, p. 23
 - b. Article Xiv, Section V, p. 24
2. Develop a survey for member school input.

September 17, 2013—2:00 p.m., Valley City Office

1. Discussion of Academic Eligibility
 - a. Article XIV, Section IV, p. 23
 - b. Article Xiv, Section V, p. 24

June 19, 2013—7:30 a.m., Valley City Office

1. Discussion regarding eligibility of convicted sex offenders
2. Eligibility of students in cities with multiple high schools (Oak Grove situation)
3. Schedule academic eligibility committee meeting.

January 25, 2013—5:00 p.m.—Bismarck Ramkota, Room 1161

1. Thune legal opinion
2. Less than 50 rule

3. Continue work on re-format of By-Laws
4. Other

November 16, 2012—11:30 a.m., Conference Center, Minot Holiday Inn

1. Begin work on preparing a By-Law amendment addressing the less than 50 rule for Junior High participation on high school teams.

October 1, 2012—1:00 p.m.—Bismarck Ramkota

1. Discussion regarding
 - a. Reformat of Constitution & By-Laws
 - b. Less than 50 rule
 - c. Academic requirements

August 2, 2012—7:30 a.m.—Valley City Office

1. Determine timelines for strategic plan.

June 20, 2012—7:30 a.m.—Valley City Office

1. Discuss JH enrollments less than 50
2. Academic Eligibility

October 19, 2011—8:00 a.m., Room 1161, Bismarck Ramkota

1. Discussion regarding eligibility of married student transfers.

September 13, 2011—8:00 a.m. Valley City

1. Recommend, for Board approval, a By-Law interpretation regarding eligibility when high school students marry and establish a home.
2. Discuss recommendation from the NDHSAA Softball Advisory Committee and determine a recommendation to be made to the full Board.

August 11, 2011—8:00 a.m. Valley City

1. Review letter from Gary Thune regarding prescription drugs and eligibility.

June 21, 2011—8:00 a.m. Valley City

1. Prescription drugs/controlled substance language
2. Unify fine language p. 19

April 18, 2011—8:00 a.m. Valley City

3. Discuss changes to the Alcohol, Tobacco and Drug rule as recommended by Robert Hoy, Attorney at Law.
4. Discuss and clarify interpretation of Article X, Section I-Note as found on page 19 of the By-Laws. Any recommended language change will require Board approval.
5. Other

January 21, 2011—7:00 p.m. Ramkota Hotel—Bismarck, Sherm's Room

1. Review By-Law amendments as recommended by Gary Thune
 - a. Part two, Article XI
 - b. Part two, Article XIV, Sec X
 - c. Part two, Article XIV, Sec XI
2. Discuss removal of suggested procedures on page 47
 - a. This can be done by the Board, no membership vote necessary.
 - b. Schools and parents are treating suggested procedure as mandatory.
3. NFHS “Teaching and Modeling Behavior” requirement for ejected coaches.
 - a. Exec. Board requests discussion
4. NDEA Week Activities
 - a. Notes - Devils Lake HS has asked the Board to review and perhaps sponsor an amendment to Article III, Section X of the Constitution and By-Laws. This would be in relation to football schedules.
 - i. reconsider the option of no school events during NDEA Week.
 - ii. request to have this be studied to check the pros-cons.
 - iii. recommended to have this dealt with by the by-laws committee.
5. Home/Virtual School Requirements
 - a. Notes - At the present time, students are required to take two classes at the school for which they compete. This rule was put in place to allow students to take courses away from the high school setting. Virtual schools and on-line studies are becoming more commonplace, especially in other states. Some schools are beginning to question whether or not that rule is a good standard for today. We should have some discussion and in the future determine if a proposed change to the rule is in order.
 - i. MN has an approved virtual HS and based on rule they can participate as they are a member of the activities association.
 - ii. home schooler that wishes to cross borders. how many credits must they take to be eligible.
 - iii. constiution and by-laws should look at this issue
 - b. what are other schools doing.

June 15, 2009—NW ND Technology Center, Minot, 10:30 a.m.

1. Out of Season Coaching regulation for Baseball
 - a. At the last Board meeting the staff was instructed to present wording for committee consideration.
 - b. The committee will prepare a recommendation for Board consideration.
2. Grenora Request
 - a. The committee will consider a request from Grenora concerning the eligibility of a home-school student.
3. Changes regarding the elimination of re-transfer.
 - a. Page 30, Sec. X—By-law amendment approved by membership
 - b. Page 31, 3rd paragraph, left column, In the third case----delete entirely.

- c. Page 31, Sentence now states; “A transfer is considered complete on the first day of attendance”. Add: “or the date on which a change of residence occurs”.
- d. Page 31, 1st paragraph, right hand column, The same thing is true--delete “for good reasons” and change “wishes to elects.
- e. Page 31, Question 1, delete the word “farm” two times.
- f. Page 32, Answer to Question 7, change “an subsequent” to “a”.
- g. Page 33, Answer to Question 19, move the last sentence to right after the first sentence.
- h. Page 33, definition #2, Change of Residence. After actually living there add: “with the intent to change legal residence. A second.....

April 20, 2009—4:00 p.m.—Valley City Office

- 1. Review the out-of-season coaching regulation and provide a recommendation to the Board of Directors regarding the application of the rule for Legion/Babe Ruth Baseball. Reference: Page 36, Const. & By-Laws.

January 23, 2009—7:00 p.m., Room 1165, Bismarck Ramkota Hotel

- 1. #2, page 36 of the By-Laws
 - a. Wording clarification—apply to all sports once school starts or first contest?
- 2. JH regulations
 - a. When does the season start for a JH student if they practice for a HS spot on a team and get cut.
 - b. Can they play travel ball between being cut and the JH season?
- 3. Coops
 - a. Address regulations including timelines

October 22, 2008—4:00 p.m., Room 1165, Bismarck Ramkota Hotel

- 1. Retransfer rule update
 - a. There should be some language change from Thune
- 2. Coops
 - a. Guidelines
 - b. Application form

June 23, 2008—8:00 a.m., Valley City Office

- 1. work on re-transfer rule
 - a. public to private/same city
 - b. open enrolled students returning home
- 2. wording for ejection rule
 - a. attached proposed language
- 3. review awards
 - a. symbolic only-jackets-etc.

March 7, 2008—7:00 a.m.—Room 2160, Bismarck Ramkota Hotel

1. Work on re-wording the summer camp rule as found on page 36 of the by-laws
2. Transitional coop
 - a. Tappen HS
 - b. Define
 - c. Recommendation
3. Practice Sessions: special training camps (discuss)
4. By-Laws, Page 16, Question 6, answer
5. Awards allowed-jackets?

November 16, 2007—7:30 a.m.—Gladstone Inn, Jamestown

1. Develop a proposed amendment that will address penalty for the use of an ineligible participant in team and individual sports.
2. Review home-school eligibility rule as per statute.

October 17, 2007—7:30 a.m.—Room 3130, Bismarck Ramkota

1. Review language for the All-Star Rule
 - a. Thune may or may not be at this meeting.
2. Develop interpretation of penalties for Team vs. Individual Sports

September 25, 2007—8:30 a.m.—Valley City Office

1. Update of the All-Star Rule
2. Review of language for applying penalties in individual sports as compared to team sports.

August 9, 2007—7:30 a.m.—Valley City Office

1. All-star rule update
2. Review language for applying penalties to individual as compared to team sports.

January 26, 2007—3:00 p.m.—Room 1161, Bismarck Ramkota

1. Gary Thune will meet with us to discuss the All-Star rule.
 - a. He feels that discussion with the Committee is essential before the crafting of an amendment takes place.
2. Awards
 - a. I will review the present Awards By-Law with the Committee. I believe there needs to be some changes to this rule and will offer some suggestions at the meeting.

October 17, 2006—4:00 p.m.—Room 1161, Bismarck Ramkota

1. Plan General Assembly presentation
2. Review wording/intent of interpretation in Constitution & By-Laws, page 30, #9
3. Review All-Star rule, Article XIV, Section III, Part b on page 18
 - a. Thune meeting November 1st in Bismarck
4. Other
 - a.

- b.
- c.

August 10, 2006—8:00 a.m.—Valley City Office

- 1. Review Thune recommendation regarding the attached ejection rule.
- 2. Discuss the All-Star rule, Article XIV, Section III, part b
- 3. Other
 - a.

June 19, 2006—3:00 p.m.—Valley City Office

- 1. Review information received from Gary Thune regarding:
 - a. 180 day rule amendment
 - b. language changes with ejection rule
 - i. resulting from recent Mandan case
 - c. recruitment rule
- 2. review language in #9, transfer rule, on page 30 in the By-Laws.

January 28, 2006—8:00 a.m.—Bismarck Ramkota, Room 2160

- 1. January amendments
 - a. Review interpretation and Q&A changes
 - b. Consider offering an amendment to the proposed language change to Section VI on the floor. After graduate, the amendment would read; **“Exception: A student eligible for and participating in an activity prior to graduation shall remain eligible in that activity until the season is competed”**. Gary Thune helped craft the above language.
 - i. Board approval of the amendment is necessary
 - ii. Someone will have to make the motion to amend when the original amendment is on the floor.
- 2. Wording for Board interpretation concerning eligibility students placed by special education
- 3. Undue Influence
 - a. October 2006
- 4. Ejection Rule
 - a. October 2006

November 18, 2005—11:00 a.m.—Minot Holiday Inn

- 1. work on wording to change the coop deadline for FB to September 15th
- 2. review Thune’s recommendation concerning recruitment

October 18, 2005—5:00 p.m.—Bismarck Ramkota, Room (1161)

- 1. Discuss recruitment and the By-Laws
- 2. Section VI, page 23
 - a. Gary Thune is to have wording recommendation ready for Board consideration. I do not have this yet, but hopefully he will get it to me prior to the Committee meeting. This would be an item for the January General Assembly meeting if the Board agrees with this change.

3. Continue discussion concerning transfer rule
 - a. 90 days vs. 180 days vs. 1/2 contests in a season
4. Other
 - a.
 - b.
 - c.

September 26, 2005—3:30 p.m.—Valley City Office

1. Review work completed by Thune
 - a. Proposed By-Law Amendments attached
 - b. Article VI Introduction—reworded assuming the By-Law amendments pass.
 - c. Recommended Foreign Exchange Policy worded according to Board's wishes.
 - i. Discuss the following: A foreign exchange student finishes one year and opts to remain as an International student. He/she would be ineligible 90 school days even if they are attending the same school. Thune is recommending this. It should be indicated to the full Board to see if that is the intent.
 - d. A copy of the Foreign Exchange Certificate of Transfer on the web is attached. Wording is adjusted to fit the policy.
 - e. Page 30 of the By-Laws should contain a new item 3c. I will review with the committee.
2. New considerations
 - a. Foreign students having graduated
 - i. Surrey letter
 - b. Article XIV, Section X b is the only place recruitment is found in the By-Laws.
 - c. Transfer rule.

August 10, 2005—3:30 p.m.—Valley City Office

1. Review constitutional ballot
2. Foreign Exchange/International Student policy
3. By-Law Amendments
 - a. Eight Semester rule
 - b. Hardship
4. Discuss transfer rule, 90 days vs. 180

June 21, 2005—7:30 a.m.—Valley City Office—call Thune 701-223-2656

1. Review Thune's recommendation concerning eligibility rule in school districts involved in dissolution or reorganization.
2. Thune's opinion of a constitutional change allowing the Board to establish administrative policy/regulations.
3. Eight Semester Rule
 - a. School appeal, not student

4. Discuss what changes if any to the Foreign Exchange/International Student policy.
 - a. Treat all transfer students the same? (presently 90 days)
 - i. Recommend change to 180 school days-foreign and domestic?
 - ii. One calendar year?
5. Hardship Rule---Article VI process
 - a. Procedure change to allow appeal to Board?
6. Review other eligibility rules
 - a. "All Star" rule
 - b. Awards
7. Other
 - a. Sept. 16, 2003 minutes---Class A Board Representation

April 20, 2005—7:30 a.m.—Valley City Office

1. Review wording of amendment to Article XIV, Section XI
2. Hardship procedure
 - a. Change in wording requiring administrator to be present.
3. Eligibility and reorganization
 - a. Thune indicated he would have this to me by meeting time.
4. Review of coop application

March 24, 2005—1:00 p.m.—Valley City Office

1. Discuss the following:
 - a. Foreign exchange/International student policy
 - b. Constitutional change to allow Board to establish policy
 - c. Hardship eligibility procedure review
 - d. Wording of Coop applications
 - e. Amend Article XIV, Sec. XI

January 28, 2005—7:00 pm—Sherm's Room Bismarck Ramkota

1. Discuss recent court appearance concerning FE/International students
2. Continue work on eligibility sections.
 - a. Please bring your blue books.
 - b. The Committee is to look at sections individually as well as interpretations. Following that action, the staff will look at questions and answers.
3. At the October Board meeting, the Attorney General requested we look at changing the in-patient treatment option for alcohol offenders as in-patient treatment is rare in our State and is not necessarily the protocol used for treatment. The Board then instructed this Committee to work on wording changes and bring to a future meeting.

October 19, 2004—5:30 pm—Room 1165

1. Begin review of Article XIV, Eligibility
 - a. We should look at the first two sections if possible.

August 11, 2004—3:30 pm—NDHSAA Office

1. Discuss wording in the answer for question #58 on page 22 of the By-Laws in relation to #4 in the left column on page 37.
 - a. I believe the regulation stating “in that sport” would allow a girl’s coach to coach a boy’s team. We should have clarification and establish intent.
2. Begin review Sections dealing with eligibility
 - a. Study section one prior to meeting

June 22, 2004—8:00 am—NDHSAA Office

1. Discuss wording in the answer for question #160 of page 35.
 - a. The answer should be changed read “terminate with the end of the school term or the end of an activity season, whichever is longest”.
 - i. A parent raised this issue for a student in baseball. The school year ended before state baseball.
2. Discuss process for evaluating our existing eligibility rules.

October 21, 2003—1:00 pm—Bismarck Ramkota

1. Review Football By-Law concerning scrimmages on page 15.
 - a. I believe wording is different that the longstanding interpretation that a scrimmage counts as a game no matter what.
2. Examine hardship rule
 - a. Should the Board have to review hardships when the school last attended answers no to section b of the application? Board assigned this discussion at the last meeting.
3. Rework interpretation of Section VI on page 24
 - a. Define graduation
 - b. Re-word Question 167

September 15, 2003—7:30 p.m—Room 1169—Bismarck Ramkota

1. Interpretation paragraph on ejection form
 - a. This was taken care of in the office, I’ll explain at the meeting.
2. Class A Central Board representation
 - a. At the last meeting the Board asked the committee to study this and come to the Sept. meeting with a recommendation. Please bring a calendar.
3. Participation fees for graded elementary schools.
 - a. I will present this information at the meeting. Long story short, I recently discovered that since the inception of participation fees, graded elementary schools have never been charged. Worth discussion.
4. Discuss Article XIV, Section VI on page 24 of the Constitution & By-Laws
 - a. We need to evaluate the language of this By-Law and compare interpretation. Please bring your By-Laws.

April 17, 2003—Valley City

1. Review contents of Part Three in the Const. & By-Laws
 - a. Recommend removal of all sport specific statements
 - b. Make a reference to regulations being printed in the bulletin

March 14, 2003—10:30 am—Fargo

1. Gary Thune recommendation (letter enclosed)

January 24, 2003—7:00 pm—Bismarck

1. Develop an open-enrollment definition in the transfer rule
2. Rule violation investigations
 - a. Should office staff investigate without written formal complaint from member schools
3. Board policy—Alcohol, Tobacco, Drugs
 - a. Gary Thune has raised a question for discussion. In his opinion the Due Process procedure recommended by the Board for Drug, Alcohol and Tobacco violations on page 36 of the By-Laws has more requirements than expulsion of students.

October 22, 2002---8:00 p.m. – Bismarck

1. Examine procedures with cooperative agreements
2. Examine how to better deal with hardships
3. Inclusion of women and minorities

June 19, 2002---9:00 a.m.---NDHSAA Office

1. Consider the following change to coop regulations on page 8 of the Constitution and By-Laws:
 - a. Change Note to read as per attachment
 - b. Add to Note as per attachment

April 18, 2002—8:00 a.m.—NDHSAA Board Room

1. Make a decision to/to not recommend the Board endorse the National Federation Foreign Exchange/International Student By-Law.
 - a. This would require a vote of membership in October
2. Please bring your Constitution and By-Laws to review Part Three, #5 in the left hand column on page 37. There are some things that need to be deleted as well discussed for clarification.
3. Consider asking membership to approve a wording change in Article XIV, Section XIII of the By-laws.
 - a. Wording: When a non-typical schedule is involved, the ejection penalty may be administered on a case-by-case basis.
 - i. Rationale: If a school schedules JV football once every three weeks instead of weekly, the penalty may be adjusted so an

ejected player or coach wouldn't miss three varsity games and a JV game.

March 8, 2002—Fargo Radisson

1. Develop a policy recommendation that would indicate how we would deal with team or individual disqualifications in the future.
2. National Federation recommendation—foreign exchange/international students

November 16, 2001—Minot Holiday Inn, Convention Center, 8:00 a.m.

1. Discuss Part V, Article VIII, Sec. I of the Junior High By-Laws (Page 48)
 - a. With the switch of seasons, this wording needs to change for schools to be able to set their Junior High season at a different time of the year.
2. Discuss regulation 3 in the Junior High Wrestling regulations. (Page 50)
 - a. Should consider making consecutive weeks inclusive of all activities.
3. Discuss regulation 2 under Boys' and Girls' basketball. (Page 48)
 - a. Schools are playing junior high tournaments on Sat. Players are getting 8 quarters as long as there is one hour between games. If the school's enrollment is less than 50, they are using their players again that evening in JV or Varsity tournaments. Should this many quarters be allowed?
4. If the Committee agrees on changes, there needs to be recommendations prepared for the Board to act upon.