

By - Laws

ARTICLE I

Section (1) MEMBERSHIP

- 1.1 Any accredited high school may become a member of this Association by meeting the following requirements:
- a. Must be accredited by the Montana State Board of Public Education under one of the following categories:
 - 1. Regular accreditation
 - 2. Accredited with advice
 - 3. Accredited on probation;
 - b. Must have its membership in this Association authorized annually by school board resolution;
 - c. Must pay its annual membership dues;
 - d. Must file with the Executive Director a completed annual membership form.

In becoming a member in the Association, such member school recognizes the authority of the Association and agrees to comply with its rules. A high school or secondary school is any combination of grades 9, 10, 11 and 12.

- 1.2 Any member school will not be permitted to participate in any interschool athletic contest with a school, club team or other groups (teams) that are not accredited by the State Board of Public Education in the state of Montana and, hence, not eligible for membership in the MHSA, if more than two schools would be participating in the event. If a member school does participate in an interschool contest with a non-accredited school, club team or other groups (teams) and more than two schools are involved, the member school or schools will be subject to **penalties under Article VIII.**
- 1.3 If a member school wishes to invite a non-accredited school or accept an invitation from the school to participate in a two-school contest, this would not be a violation of this section.

Section (2) DUES

- 2.1 The annual membership dues shall be according to the following schedule. For each individual MHSA activity in which it participates, a school will pay \$250. The activities listed below are sanctioned by the MHSA and payment of the \$250 fee is required for participation:

Band	Cross Country-girls	Swimming-girls
Chorus	Cross Country-boys	Swimming-boys
Drama	Football	Tennis-girls
Orchestra	Golf-girls	Tennis-boys
Speech	Golf-boys	Track-girls
Basketball-girls	Soccer-girls	Track-boys
Basketball-boys	Soccer-boys	Volleyball
	Softball	Wrestling

- 2.2 Annual dues are payable on or before **August 1** of each year of membership. Any schools failing to pay the annual dues on or before August 1 of each year of membership shall become ineligible from that date until such dues are paid, and

shall be required to pay a penalty of fifty dollars (\$50.00) in addition to the regular dues before reinstatement.

Note: Refunds will be made, upon written request, up to and including the first allowable date for competition in that sport/activity.

2.3 Distribution of Net Profit of Athletic Playoffs

Any net profit, after allowable expenses and charges have been deducted, is to be divided as follows:

Football:

Class AA — All profits from all playoffs and state championship will be divided equally among the schools participating in the football program in Class AA.

Classes A - B - C (8 player) — Home Management expenses and visiting team travel expenses incurred during the playoff series will be satisfied to the extent possible through gate receipts for each game and will be distributed by the host school. Profit, if any, after expenses will then be sent to the MHSA office to be placed in a reserve pool (escrow account) from which any unmet expenses of other playoff games, within that classification, will be distributed. After all approved expenses for the playoff and state championship games within that classification have been satisfied, the reserve pool monies will then be equally divided among all schools within that classification that participate in football.

NOTE: Refer to the Football section for Class C six-player finances.

All Other Athletic Playoffs (Except Track and Field):

District — All profits to be divided equally among those schools participating in the district tournament.

Divisional — All profits to be divided equally among those schools participating in the division.

State — All profits to be divided equally among all schools in their particular class (AA, A, B, C) participating in that activity.

Track and Field:

The MHSA office shall retain all profits from state meets.

2.4 Each school in a cooperative sponsorship agreement will share equally with all other schools in the district, division or state.

Section (3) MEETINGS

3.1 There shall be one (1) regular annual meeting of the Association at the time and place designated by the Executive Board.

3.2 Written notice of annual meeting shall be given to each member school at least thirty (30) days prior to the date of such meeting.

3.3 A special meeting of the Association may be called by the Executive Board upon giving a written notice at least ten (10) days prior to such meeting to each member of the Association.

3.4 Each member school of the Association shall be represented at meetings of the Association by the administrative head of the school and each school shall be entitled to one (1) vote and no proxies shall be recognized at any meeting.

However, the administrative head of a member school may designate in writing a full-time certified employee of the member school to represent such member school at any meeting unless the school board designates, in writing, a school board member to be the voting delegate.

- 3.5 All business of the Association may be transacted by a majority vote of the member schools in each classification attending and voting at any meeting; The Resolutions Committee shall indicate which proposals relate only to specific classifications and only those schools in that classification may vote on that proposal. The Resolutions Committee shall also indicate which proposals relate to the entire membership. The Resolutions Committee's decision may be overridden by a simple majority vote of the member schools present and voting.
- 3.6 Any proposal forwarded to the Executive Board to be included on the agenda for the annual meeting must be presented on the floor in its original form.
- 3.7 Any proposal which has fiscal implication for the Association must be accompanied by fiscal notes.
- 3.8 All meetings of the Montana High School Association membership will be open to the public. Those persons of the general public will be allowed to offer testimony on any of the proposals presented by the membership. The presiding chair has the authority to limit discussion by all individuals. Members of the general public must follow the same restrictions as member school representatives, and if meeting fees are required, they shall be applied uniformly to all those who attend.

Section (4) ADMINISTRATION

- 4.1 The regulation and administration of the affairs of this Association shall be vested in a body of seven (7) persons, to be known as the Executive Board.
- 4.2 One (1) member of the Executive Board shall be elected at each annual meeting of the Association for a term of four (4) years, except as is hereinafter provided. Except for appointees of the Governor and the State Superintendent, only a superintendent, high school principal, activities director, or a member of the Executive Board of the Montana School Boards Association who is a school board member from a school district with a member school is eligible to be a member of the Executive Board. The appointees of the Governor and State Superintendent shall be lay persons and to the extent possible shall be appointed from diverse geographical areas within the state. The first gubernatorial appointee shall serve for a period of three (3) years. In addition to the elected members of the Executive Board, the Governor of the State of Montana shall appoint one (1) lay person to serve on the Executive Board and the Superintendent of Public Instruction of the State of Montana shall appoint one (1) lay person to serve on the Executive Board. The terms of the appointed members of the Executive Board, except as provided for above, shall be four (4) years. No member of the Executive Board shall be elected to successive terms, except an appointed school board member who is a Montana School Boards Association Director may be elected by the Montana School Boards Association at its annual meeting for an unexpired or a new four (4) year term. The Montana High School Association permits those persons who are appointed to fill the unexpired term of a board member who dies or resigns to be eligible to succeed themselves at the next Annual Meeting of the Association provided that the appointee is not filling more than half of the unexpired term of the board member who dies or resigns. Four (4) members of the Executive Board shall be superintendents, high school principals or activities directors; one (1) of which shall be elected from a school playing Class AA basketball; one (1) of which must be elected from a school playing Class A basketball; one (1) of which must be elected from a school playing Class B basketball, and one (1) of which must be elected from a school playing Class C basketball. The fifth member of the Board must be a

school board member elected by the membership of the Montana School Boards Association. The sixth member shall be a lay member appointed by the Governor of the State of Montana. The seventh board member shall be a lay member appointed by the Superintendent of Public Instruction of the State of Montana. The initial appointments made by the governor and the state superintendent shall be made immediately following the 1990 Annual Meeting wherein the bylaw change is made expanding the size of the Executive Board from a five (5) to seven (7) member board.

All classifications of school hereinabove set forth shall be determined by the Executive Board and set forth in the rules and regulations of this Association.

A superintendent, high school principal or activities director shall be selected by a majority vote of the members present and voting. If no majority on the first ballot, a second ballot shall be spread on the two candidates receiving the most votes plus any other candidate receiving twenty percent (20%) of the votes on the first ballot (if any). The third ballot will be spread, if necessary, on the two top candidates.

Any Board member's term shall expire with the reorganization of the Board no later than the last day of the next regularly scheduled meeting following the annual meeting.

- 4.3 Any elected Board member's term shall expire upon the failure to receive a two-thirds majority vote of confidence from his or her classification at any annual meeting where twenty-five (25) percent or more members of that classification request such a vote of the Executive Director no less than ten (10) days before the annual meeting. An election will be held before adjournment of the annual meeting to fill any unexpired term(s) so created.
- 4.4 One of the intentions of the Association is to establish and maintain, either by election or by appointment, equal and constant representation on the Executive Board by athletic classification (C, B, A and AA as stipulated in 4.2). Therefore, the term of any elected member of the Executive Board shall automatically expire when (1) as a result of a change of position from one district to another, the member in question is no longer employed in a required position by an Association member school in the same classification from which he/she was elected; or (2) when the school district from which a member was elected changes athletic classification in basketball. In the event such a vacancy occurs, the Executive Board shall have appointment power as stipulated in 4.6, said appointment to remain in effect until the next Annual Meeting. At that meeting, an election shall be held to fill the vacancy, selecting a qualified member from the athletic classification which was originally deprived of elected membership.
- 4.5 Should a member of the Executive Board cease to hold such a position required for qualification as member of the Executive Board, the term of office for that member shall thereby automatically expire and the office will be considered vacant.
- 4.6 Vacancies on the Executive Board may occur in two categories: elected positions or appointed positions. Procedures for filling each category of vacancy shall be as follows:

Vacancies in elected positions: Utilizing the qualification criteria of 4.2, the Executive Board shall appoint a member who is employed by a member school in the same athletic classification in which the vacancy occurred. That appointment shall be made not later than the first regular Board meeting following the occurrence of the vacancy and shall be in effect until the next Annual Meeting of the Association.

Vacancies in appointed positions: In the event a vacancy occurs in either of the positions filled by appointment by the Governor or the State Superintendent, the Governor or the State Superintendent, whoever is applicable, will fill by appointment such vacancy at which time the member appointed shall complete the unexpired term. In the event the appointee is not filling more than half of the unexpired term of an appointed board member who dies or resigns, the appointed board member may be appointed for an additional new four year term.

The Executive Committee of the Montana School Boards Association shall have the power to fill a school board member vacancy which may occur in the Executive Board by appointment of a school board member to serve until the next annual meeting of the Montana School Boards Association, at which time a member shall be elected to complete the unexpired term.

- 4.7 The officers of the Executive Board shall be the President, the Vice President, the Executive Director and the Assistant Executive Director. The President and Vice President shall be elected by the members of the Executive Board from among their own members.

This election adds to those two members of the Board the added responsibilities described in Section 6, Items 6.1 and 6.2. However, this election does not preclude these members from participation as Board members. They can still vote, discuss and make motions at the meeting, thus participating on an equal basis with all other voting members of the Board.

The Executive Director shall be appointed by the Executive Board for a term of office of one to three years, but shall not be a voting member of the said Executive Board, and shall be eligible for reappointment at the will of the Executive Board.

- 4.8 The officers of the Executive Board shall serve in similar capacity respectively as officers of the Association.

Section (5) EXECUTIVE BOARD

- 5.1 The Executive Board shall have general supervision over all activities of member schools which are within the objectives of the Association.
- 5.2 The Executive Board shall have the authority to adopt and make changes as deemed necessary in the rules and regulations of the Association except the By-Laws adopted by the general membership. The Executive Board may not vote to adopt any proposed change(s) in the rules and regulations until all member schools have received at least a two week notice of the proposed change(s).
- 5.3 The Executive Board may authorize the Executive Director to make decisions as necessary for the proper operation of Association business. The Executive Board shall hear all appeals of decision by the Executive Director and ***may affirm, reverse or modify a decision of the Executive Director. On appeal, the Executive Board may, at its sole discretion, waive or modify the application of a rule under the facts of a particular case if it determines that the application of a rule as written would not serve the intent or purpose of the rule.***
- 5.4 There shall be four (4) regular meetings yearly of the Executive Board. One of these meetings shall be held at the time and place of the annual meeting of the Association; other meetings of the Executive Board shall be called and held at such time and place as designated by the President of the Association. Special meetings of the Executive Board may be called by the President or by a vote of the majority of the members of the Executive Board. Four (4) members of the Executive Board shall constitute a quorum at any meeting. All Montana High School Association

Executive Board meetings shall be open to the public. They will be closed only when allowable by Montana Open Meeting Laws.

A written notice shall be given to all members of the Executive Board at least five (5) days before the date of the meeting.

- 5.5 Conference telephone calls necessary for the operation of the Montana High School Association shall be conducted in the same manner and with the same restrictions as regular or special meetings. Conference telephone calls will be charged to a specific school or to an appropriate individual who requested the conference telephone call. Conference telephone calls will be held only when necessary for immediate action for an interpretation of a rule, for a violation or protest which needs immediate action, or for an appeal on student eligibility when it is necessary. The Board may hold conference telephone calls for any of the above items as well as litigation, legislative, and other emergency matters which could affect the operation of the Association. The Montana High School Association cannot make any proposed rule changes by conference telephone calls.

Executive Board members must be given a 48 hour advance written notice of the call.

- 5.6 The Executive Board shall interpret the By-Laws, rules and regulations of this Association.
- 5.7 The Executive Board shall have the following powers and responsibilities for expenditures of monies for the operation of the MHSA consistent with budgeting and expenditure practices mandated for Montana public school finance and principles.
- 5.8 The Executive Board shall prepare an itemized preliminary budget for the ensuing fiscal year and mail the same to each member school at least thirty (30) days prior to the date set for the annual meeting.

The unrestricted net assets held in cash and investments as of July 1 for the general operation of the Montana High School Association for the ensuing year are limited to 50% of the approved budget. General operations do not include designated funds the Executive Board believes should not be part of the unrestricted net assets.

The Montana High School Association shall hold as a matter of policy that invested reserve of the Montana High School Association shall be the same types as approved for school districts. The Montana High School Association Executive Board shall administer the reserve fund.

As of July 1 each year any monies over and above the maximum reserve limit shall be pro-rated back to the member high schools, as per football classification when the excess monies reach or exceed the minimum formula that follows:

1. Each Class C school — \$10.00
2. Each Class B school — \$20.00
3. Each Class A school — \$30.00
4. Each Class AA School — \$40.00

INTERPRETATION

Without the approval of the membership, the MHSA Executive Board shall not have the authority to rebate monies to the schools until maximum reserve limits have been reached.

- 5.9 The total maximum amount of the operating budget shall be specified by a majority of the members of the MHSA at each annual meeting. The total operating expenditures for the fiscal year shall not exceed this amount unless the Executive Board has adopted an emergency operating budget under the provisions of Section 5.9a.

- a. Emergency budget procedure: The Executive Board may adopt an emergency budget not exceeding twenty-five thousand dollars (\$25,000) to be drawn from existing reserve funds at any time during the fiscal year by notifying the membership in writing of the details of the emergency budget twenty (20) calendar days prior to its adoption.

In the event that sufficient reserve funds are not available to fund the requested emergency budget or the amount requested for the emergency budget exceeds \$25,000, the Executive Board shall submit the proposed emergency budget to a mail ballot sent to the chairperson of the member schools for approval. The proposed budget shall detail the requirements of the budget including the assessment mechanism to fund the budget. A simple majority of ballots from those schools returning the ballot shall be necessary for approval of the emergency budget.

The Executive Board may adopt an emergency budget without a vote of the membership to satisfy a final judgment by a court or a settlement agreed to by the Executive Board in litigation against the MHSA.

The Executive Board shall satisfy a final judgment out of funds that may be available from the following sources:

- 1. the operating fund;
 - 2. the legal reserve fund; or
 - 3. a levy to the member schools assessed on the basis of the number of activities in which a school participates in an amount necessary to pay any unpaid portion of the judgment.
- b. In all matters not herein specified, the Executive Board shall have the complete authority until the next regular meeting of the Association, and shall have authority to adopt such rules and regulations as may appear necessary for carrying out the objectives of the Association.

Section (6) OFFICERS AND DUTIES

- 6.1 President: The President shall preside over all meetings of the Executive Board and the Association.
- 6.2 Vice President: The Vice President shall perform the duties of the President in his/her absence and such other duties as shall from time to time be delegated to him/her by the Executive Board.
- 6.3 Executive Director: The Executive Director shall be the chief administrative officer and shall take the initiative in interpreting and enforcing the regulations and policies of the Association, and in promoting its aims and objectives. The Executive Director shall attend to the official duties pertaining to the Association as are delegated to him/her by the Executive Board. He shall be paid an annual salary to be determined by the Executive Board.
- 6.4 It shall be the duty of the Executive Director to furnish an annual financial report of the Association to all member schools. This report shall cover the fiscal year from July 1 to June 30. It shall also be his duty to collect and send out to member schools the financial reports of all interscholastic affairs held under the jurisdiction of the Executive Board, but for which responsibility has been delegated to administrative heads of member schools.
- 6.5 The Executive Director shall furnish a bond to the Association, the penal sum of which shall be determined by the Executive Board.

- 6.6 The Executive Director shall have the accounts of the Association audited annually by a certified public accountant, approved by the Executive Board.

ARTICLE II

Requirements for Eligibility for Participation in an Association Contest

INTRODUCTORY NOTE: The Executive Director is responsible for the interpretation and enforcement of the eligibility rules. This interpretation and enforcement must be uniform and consistent. The Executive Director does not have the power to modify eligibility rules or to make new eligibility rules. At times the enforcement of these rules may appear to result in injustice to a student or a school in a situation arising from lack of familiarity with the rules, misunderstanding of the rules, or negligence on the part of some individual. In such a case, it must be recognized that the Executive Director cannot, through sympathy, permit exceptions to the rules. He/she has no such power. ***The Executive Board shall hear all appeals of decisions by the Executive Director and shall have the authority to grant relief if the Executive Board determines that the purpose or intent of the by-law/rule is not being served.***

Section (1) ASSOCIATION CONTEST

- 1.1 The definition of an "Association Contest" is an athletic contest between teams representing two high schools, which are members of the Association involving any group of students playing under the supervision of the school. All rules and regulations that apply to an Association Contest shall apply to any athletic contest engaged in by a member school.
- 1.2 Any game or part of a game (scrimmage, practice, warm-up, tune-up or similar activity), in which the students participate as a representative team of their school with any other ***sanctioned or non-sanctioned team***, shall be considered an Association contest and shall be counted as a part of the season game limit for the school's athletic classification.
- 1.3 No Association Contest may be played before the starting date of the first allowable competition in each particular sport.

INTERPRETATION

Refer to Article I, Section (1), 1.2 and 1.3.

Section (2) ELIGIBILITY

To be eligible to participate in an Association Contest, a student shall meet all of the following criteria:

- 2.1 A student must be enrolled ***and in regular attendance*** twenty hours per week at the school where the student participates. ***A home school student is not eligible to participate for an MHS member school.***
- 2.2 ***A grading period is defined as one semester. A semester is defined as one half of a school year (approximately 18 school weeks or 90 school days). This definition is applicable to all schools regardless of the type of class scheduling format utilized (i.e. block, traditional, trimester etc.).***
- 2.3 A student must have received a passing grade and received credit in at least twenty periods of prepared class work or its equivalent in the last previous semester, at the school where the student participates; except that any ninth grade student enrolled and attending any junior high, in the same school system as the senior high school, may be eligible to participate on that senior high school's athletic teams. If the

school prohibits participation by ninth grade students, this action by the local school will not be subject to review by the MHSA or its Executive Board.

- 2.4 A student must have received a passing grade and received credit in at least twenty periods of prepared work per week or its equivalent during the last preceding semester in which he/she was in attendance.
- 2.5 If a student is assigned an "incomplete" or a "condition" in a subject, he/she has not received a passing grade in this subject. The record at the end of the semester is final.
- 2.6 In the case of two or more schools entering into a cooperative sponsorship of activities, a student enrolled as a student and otherwise satisfying eligibility requirements would be eligible to participate in any activity sponsored by the school, regardless of whether the activity is sponsored only by the school or in conjunction and cooperation with another school, without being in violation of Article II, Section 2.
- 2.7 No student may establish eligibility concurrently at two member schools. Dual enrollment is not recognized for the purpose of eligibility in MHSA activities.
- 2.8 ***This rule is not applicable*** to IDEA '04 and Section 504 students when their individual education plans (IEP) under IDEA or their educational accommodation plans under Section 504 certify that the students are not required to meet this minimum academic to ***have passed 20 hours of prepared work per week. However, all students must be enrolled and in regular attendance in 20 hours per week. Special education or Section 504 certification that the student is not required to meet the minimum academic requirements may not be enacted retroactively (after grades have been assigned at the end of the previous semester).***
- 2.9 The second semester begins on Monday morning following the week in which the first semester ends. A student who becomes eligible the second semester would then become eligible on Monday morning. ***A student who becomes ineligible the second semester would become ineligible on Monday morning.***

INTERPRETATIONS

1. A student may not compete "unattached" or "independently." *He/she* must compete for and *be eligible* to represent *his/her* member high school.
2. Schools may be more stringent in their policies.
3. Twenty hours of prepared class work is defined as four subjects that grant one unit of credit each for the full school year, or their equivalent (e.g., three classes carrying one unit of credit for the school year and two classes carrying one-half unit of credit for the school year) or the equivalency in a *block/trimester* schedule would meet this requirement.
4. Correspondence course credits cannot be used to compute the 20 periods of prepared work.
5. ***The scholastic record at the end of the semester shall be final and deficiencies may not be made up in any manner. Deficiencies, including incompletes, conditions and failures for the previous semester may not be made up during a subsequent semester, summer session, night school, correspondence, or tutoring for the purpose of establishing or maintaining MHSA eligibility.***
6. The intent of the rule prohibiting incomplete grades from being made up is not to prohibit incomplete grades which were given in cases of illness, injury or attending school authorized functions.

Section (3) PHYSICAL EXAM

- 3.1 A physical examination is required for each student in order to be considered eligible and to be approved for participation in an Association Contest. Physical examinations must be completed prior to the first day of practice. This examination must be certified by a ***licensed medical professional acting within the scope and limitations of his/her practice.*** This certification is valid for a period of one

school year. A physical examination conducted before May 1st is not valid for participation the following school year. The physical examination form developed by the MHSA Medical Advisory Committee and approved by the MHSA Executive Board must be used. A form may be obtained from the Montana High School Association.

NOTE: Whenever the Association's Rules and Regulations specify that physical examinations shall be required or that doctors shall be present at certain events or that reports or physical examinations or certificates of physical fitness shall be furnished to an official of the Association, the rules and regulations shall be deemed complied with if the services are performed within the scope and limitations of his/her practice. This complies with Section 33-22-111 of the Laws of Montana which provide for freedom of choice of practitioners.

Section (4) GRADUATE STUDENTS

- 4.1 No student shall be eligible to participate in any Association Activity who is a graduate of a regular four-year high school or who is a graduate of a secondary school which has the same requirements for graduation as a regular four-year high school, or who has earned enough credits to entitle him/her to be graduated from the high school by the spring graduation date.

INTERPRETATIONS

1. A student who graduates the first semester is ineligible the second semester.
2. A student who has earned enough credits to graduate the first semester but remains enrolled and graduates on the regular date remains eligible to participate.
3. Senior students who are currently eligible in their eighth semester (4th spring) will continue to be eligible for all interscholastic activities even though graduation exercises precede the completion of interscholastic activities for that specific year.

Section (5) STUDENTS BELOW NINTH GRADE

- 5.1 No student who is enrolled in a grade below the ninth shall be eligible to participate in an Association contest, except as noted in Part C or eighth grade students meeting the following requirements:
- a. An eighth grade student may play on a high school volleyball and basketball team. A track team without sufficient numbers for a relay team may use eighth grade students only on their relay teams. (A high school team may have more than one eighth grade student on their team.)
 - b. Permission for eighth grade participation must be requested by the school and authorization granted by the Executive Director of the MHSA.
 - c. Eighth grade students allowed to participate by the Executive Director will have eight semesters of high school eligibility remaining when they enroll in the ninth grade.

The official MHSA waiver form must be used.

- 5.2 A ninth grade student may not play on a 7th and/or an 8th grade team.
- 5.3 Any student who is at least fifteen (15) years old on or before midnight August 31 may be declared eligible for participation in Montana High School Association contests by the Executive Director. The Montana high school for which the student will participate must file a request with the Executive Director for consideration. Any student who is declared eligible under this section must participate in athletics at the high school level (grades 9-12) only.

INTERPRETATION

A seventh and/or an eighth grade team may play a ninth grade team in a high school in the same school district. For purposes of this rule, a ninth grade team is defined as consisting of only ninth grade students. Also for this purpose a high school and an elementary school within the same high school district are considered to be in the same school district and a county high school and a public elementary school in the same city shall be considered parts of the same school district.

Section (6) PARTICIPATION ABOVE SECONDARY SYSTEM

- 6.1 No student who has ever participated in athletics in an institution of learning higher than secondary rank shall be eligible to play under the rules of this Association.

Section (7) AGE RULE

- 7.1 No student is eligible to participate in an Association contest who has become nineteen (19) years old on or before midnight, August 31, of a given year. Therefore, a student who becomes nineteen (19) years old after midnight, August 31, of a given year, will be permitted to compete in all Association contests throughout that school year, under the provisions of this section.

- 7.2 A student who is ineligible by reason of this age rule may seek a waiver from the MHSA under the following conditions and procedures.

The student, his/her school, parent/guardian or other representative shall submit a written application for a waiver. For fall sports, the application shall be submitted by March 15th of the preceding school year so that, if necessary, the request can be considered by the Executive Board prior to summer recess. For all other sports seasons, the application shall be submitted at least 60 days prior to the first activity for which he/she seeks the waiver.

- 7.3 It will be the burden of the student to prove:
- a. the student does not create a safety risk to other players, and
 - b. the student does not skew the overall competitiveness of the particular activity(ies) for which the student will participate, and
 - c. the student's participation will not result in the exclusion of other eligible players, and
 - d. the student meets all other criteria necessary for participation in MHSA activities.

- 7.4 The Executive Director is vested with the authority and responsibility to make the initial waiver determination. In making the initial determination, the Executive Director shall consider such evidence as is provided by the applicant; and the Executive Director may request the applicant to provide specific information or additional information; and the Executive Director or staff may make an independent investigation of the facts. The Executive Director shall then make a determination as to each activity for which a waiver is sought and notify the applicant.

- 7.5 Upon initial receipt of the waiver application, the request shall be scheduled for hearing before the Executive Board at the next scheduled meeting. It shall be scheduled neither sooner than 30 days nor more than 60 days from the day the application is received. If the Executive Director thereafter grants a waiver, the scheduled hearing will be vacated. If the Executive Director refuses to grant the requested waiver, then the student will be so notified and can proceed to present his waiver request to the Board. At the hearing, the Board will consider all documentary evidence previously considered by the Executive Director together with any additional evidence submitted.

Section (8) SEMESTER RULE

- 8.1 A student will be eligible to participate in Association Contests for four (4) consecutive years [eight (8) consecutive semesters] after entering the ninth grade. **Enrollment** of twenty (20) **pupil instruction** days during a ninth grader's first semester in high school constitutes his/her first semester of attendance. A ninth grader who **is enrolled** fewer than twenty (20) **pupil instruction** days in his/her first semester of high school does not begin his/her eight (8) consecutive semesters unless he/she has participated during this time in an Association contest. Such a period of fewer than twenty (20) **pupil instruction** days is not considered to be "the last previous semester attended" under Section (2).

INTERPRETATION

This rule also applies to a student who has been declared eligible under Section (5)C (Students below ninth grade).

Section (9) DEADLINE FOR ENROLLMENT

- 9.1 ***A student shall have been regularly enrolled and in attendance no later than fifteen (15) school days after the beginning of the semester to be eligible during that semester. This rule shall not apply to transfer students who have met the attendance requirements in the school last attended.***

Section (10) TRANSFER RULE

- 10.1 Any student who transfers from one **member** high school, **home school, or non-member school** to a **member** high school is ineligible to participate in a varsity Association Contest for 90 P.I. days **or its equivalent in districts with extended school days/four day weeks** from the date of enrollment in the school to which he/she transfers. ***A student and his/her parents or legal guardians must reside in the attendance area of the school in which he/she is enrolled except for a student enrolling in ninth grade for the first time (see Section (12) Record of Transfer.)*** This rule applies to a student who transfers after twenty (20) days of **enrollment** or after he/she participates in an athletic contest while enrolled in grades 9, 10, 11 and 12, **EXCEPT** the following students may be declared eligible:
- a. A student who moves into a new district or school attendance area upon a corresponding change of residence by the parent(s) or legal guardian(s) with whom the student was living during his/her previous school enrollment. ***The legal guardianship must have been established at least one calendar year before the transfer. If the parent(s) or legal guardian(s) move to a new location a student must follow within a calendar year of the move to be eligible for varsity competition after proper certification by his/her principal.***
 - b. Students transferring from one high school to another under any bona fide foreign exchange program will be eligible for two (2) consecutive semesters of eligibility for participation in activities under the administration of any NFHS member association, after the principal properly certifies that they meet all eligibility requirements. The exchange student will not be eligible beyond these two semesters even if he/she chooses to stay at that school, transfer to a different high school or remain under a bona fide program." The student would be ineligible for 90 P.I. days following the two consecutive semesters of eligibility. A student who returns to the school at which he/she was enrolled directly before attending a bona fide foreign exchange program will be eligible immediately upon re-enrollment. (A student who has graduated from a high school in his/her own country and is now in the United States under a foreign exchange program would not be eligible.) Refer to Article II, Section (4).

1. A foreign exchange student is an international student who attends high school in the U.S. To be eligible for interscholastic athletics in the U.S., such student must be under the auspices of and be placed with a U.S. host family by an international student exchange program that has been accepted for listing by the Council on Standards for International Educational Travel (CSIET) and be recognized by the U.S. Department of State. The foreign exchange program must assign students to host families by a method that ensures that no student, or his/her parents, school or other interested party may influence the assignment for athletic purposes. The foreign exchange student may not be selected or placed on any basis related to his/her athletic interests or abilities.
2. A foreign exchange student is considered to be placed with a host family when written notice of placement is provided by the exchange organization to the student and his/her parents, and to the host family. Neither the school the student attends nor any person associated with the school shall have input into the selection of the student.
3. The foreign exchange student must possess a current J-1 visa, issued by the U.S. State Department.
4. The foreign exchange student must comply with all eligibility requirements set forth by the state high school association of which the school he/she attends is a member.

When a foreign exchange student changes his/her attendance from one high school to another, eligibility for MHSA activities will be determined by the Executive Director after receiving a petition for Waiver of the Transfer Rule (Hardship).

- c. A student who marries and establishes a new residence in a new district or school attendance area.
- d. A student in attendance at a school designated by the governing body of that school as a result of reorganization, consolidation or annexation or a student ordered transferred within a school system, for other than interscholastic competition purposes, by a board of education or the governing body of a private or parochial school system.
- e. A student who moves from parent to parent or legal guardian to legal guardian the first time in his/her high school career will be eligible upon verification to the MHSA office that this is the first move and certified by the administrators involved that the move was neither athletically motivated nor was the move because of recruitment. ***The legal guardianship must have been established at least one calendar year before the transfer.***
- f. A student who transfers to another school for the primary purpose of participating in a sport(s)/activity(ies) not sanctioned by the Montana High School Association (and does not participate in an MHSA sanctioned sport at that school) and returns to the school from which he/she transferred.
- g. A student who transfers from a home school to an MHSA member school in the same school district for the first time in his/her high school career ***and has never attended high school.***

INTERPRETATIONS

1. A transfer student who changes high schools without the corresponding change of residence by parents or legal guardian (*legal guardianship must be established at least one calendar year before the transfer*) is eligible to compete as a member of a non-varsity team, only, if his/her school is in a contest against non-varsity teams, only, of other member schools, providing he/she meets all other eligibility requirements. No student may compete unattached or independently.

NOTE a: Athletes participating in cross-country and track will be allowed to compete in the contests where varsity and sub-varsity team members compete at the same time to conserve time and expense, but are scored separately. Example: cross-country meet where varsity and sub-varsity runners run at the same time but are identified and scored separately.

NOTE b: The following interpretations apply only to transfer students and their eligibility for varsity Association contests:

2. *A change of residence is the actual physical relocation by the parents or legal guardians of a student at a new residence and termination of all occupancy of a previous residence. The change in residence must be bona fide, include other minor siblings and involve transfer from one school district attendance area to another school district attendance area. For the purpose of eligibility, there can be only one residence.*

3. If a transfer student enters after the beginning of a semester he/she will become eligible after the expiration of 90 P.I. days (or its equivalent in districts with extended school days/four day weeks) in the school he/she is now attending.

4. Guardianship is not recognized for the purpose of these rules, when either parent is living and legally competent unless such guardianship has been legally established at least *one calendar year before the transfer.*

5. If a family moves to a new location, a student should attend the school within the attendance area. If, however, the new home is geographically more convenient to an out of district school, attendance may be allowed, with MHSA approval, without reference to school district or county boundaries. Under these conditions a student would become eligible as soon as his/her principal properly certifies in writing to the MHSA office that he/she is eligible. Should he/she later decide to return to his/her home school after an attendance of 20 days or more in the school away from home, he/she would be considered the same as any other transfer student and would lose one semester of eligibility.

6. For the purpose of these rules a student cannot establish a residence apart from his/her parents. If he/she habitually makes his/her home with a relative and the student changes schools because the relative changes residence, the student will lose eligibility time in accordance with the transfer rule. A student, both of whose parents are deceased and who has no legal guardian, may change high schools without loss of eligibility time. However, a student may not change school systems within a city or school district.

7. A student may enroll in a new high school in anticipation of a change of residence on the part of his/her parents. After his/her parents establish residence at the new location, he/she will become varsity eligible as soon as the principal of the school to which the student transfers properly certifies in writing to the MHSA office that he/she is eligible.

8. When two or more high schools have been established within one school system and under the administration of one board of trustees, the district shall be divided into a corresponding number of high school attendance areas. Students shall attend the high school of the designated attendance area.

9. Each year the board of trustees shall designate a school attendance area for each high school under its jurisdiction not later than the opening date set for *fall sports*, such boundaries must not be changed during any current school year.

10. Students transferring from one high school to another in the same school system but in a different attendance area are ineligible for 90 P.I. days (or its equivalent in districts with extended school days/four day weeks) after enrollment, unless there is a bona fide corresponding change of residence on the part of the parents(s) or legal guardian (*legal guardianship must be established one calendar year before the transfer*) from the previous attendance area to the present attendance area.

11. A student who enrolls at MSDB for the first time may become eligible after the principal certifies that the student meets all eligibility requirements.

10.2 Transfers from one school system to another within the same city or town: In the cities or towns which have more than one high school system (e.g. both a public high school and a private high school), a student must complete 90 P.I. days (*or its equivalent in districts with extended school days/four day weeks*) of attendance before being eligible when transferring from one high school system to another within such city or town, even though the parents or legal guardian with whom the student has been living during the period of his/her last high school enrollment moved into the immediate vicinity of the new school.

10.3 **Hardship Rule:** A high school student who, because of circumstances beyond his/her control such as broken home conditions, death of parents or guardian, abandonment or other exceptional circumstances, finds it necessary to change high schools may be declared eligible by the Executive Director provided the principal of each high school involved files a statement with the Executive Director that the change was necessary, was not athletically motivated, and there was no known undue influence. If the transfer of any student from one school to another is

approved by the Executive Director under the foregoing circumstances, he/she shall be eligible provided he/she meets all other eligibility requirements. Appeals on Petitions for Waiver of the Transfer Rule under the Hardship Rule shall be acted upon by the MHSA Executive Board at any regular or special meeting, including conference phone calls, provided the school or individual requesting, agrees to pay the cost of the call.

The official MHSA waiver form must be used.

Section (11) ELIGIBLE TRANSFERS

11.1 A student who transfers enrollment, but retains eligibility pursuant to Section (10), shall be considered eligible as soon as the principal of the school to which the student transfers properly certifies in writing to the Montana High School Association office that the student is eligible to represent the school in an Association Contest.

(The principal's certification verifies that the student has met all eligibility requirements in Article II of these By-Laws.)

11.2 A transfer student shall not be eligible to participate as a member of his/her new school's athletic team if he/she transfers after the last scheduled regular-season Association contest for a given sport during a specific sport season.

Section (12) RECORD OF TRANSFER

A student received by transfer shall not be eligible to participate in an Association Contest until the principal of the school shall have filed with the Executive Director of the Association a record of the transfer on the official MHSA transfer form. This section does not relieve the student from eligibility requirements arising from his/her change of high schools.

INTERPRETATIONS

1. Any student enrolling in the ninth grade for the first time in either a 3-year junior high school or a 4-year senior high school is not to be considered a transfer student except under the following conditions:

- a. A ninth grade student who has been enrolled in another school for twenty days or more.
- b. A ninth grade student who has been enrolled in another school for fewer than 20 days but has participated in an interschool athletic contest.
- c. A ninth grade student transferring from any accredited junior high school to any other junior high school.

2. Any student enrolling in the tenth grade directly from the ninth grade from a junior high school in the same school system is not to be considered a transfer student under this Section.

Section (13) PROFESSIONAL PARTICIPATION

No student shall be eligible to participate in an Association Contest who has been out of school one or more semesters, if during said non-enrollment he/she has been a member of a professional team. If during such non-enrollment he/she takes part in semi-professional athletics, he/she shall not become eligible again until he/she has been in attendance two full semesters.

Section (14) PENALTY FOR A PLAYER ASSAULTING AN OFFICIAL

14.1 Any athlete who makes physical contact of an insulting or provoking nature with the sports official or causes reasonable apprehension of bodily injury to the sports official in connection with an Association Contest shall immediately become ineligible for further interscholastic competition. It shall be the responsibility of the tournament manager or principal of the school hosting the event to notify as soon as possible the Executive Director or a member of the Executive Board of the incident.

The official involved must report the incident in writing to the MHSA office within three days of its occurrence.

- 14.2 The coach of the student involved is responsible for keeping that student from further interscholastic participation, pending a ruling by the Executive Board of the MHSA. The Executive Board shall have the power to suspend the violating participant from further interscholastic competition for a period not to exceed two semesters from the date of the infraction.

Section (15) AWARD RULE

- 15.1 No award exceeding twenty dollars (\$20.00) in value shall be given per event in any MHSA sanctioned sport or in any MHSA sanctioned interscholastic activity by a member school, by any person or by an organization to a student in recognition of that student's achievement or participation in any interscholastic activity. An event is defined as a sports camp, an invitational tournament/meet, a post season recognition function (i.e. sports banquet), or a fund raiser or similar function. Cash can not be awarded. ***A single Association Contest is not considered an "event" for the purpose of this rule.***
- 15.2 Awards of \$5.00 or less in value may be provided to individuals based on sportsmanship exhibited in any single Association contest. Awards of \$3.00 or less in value may be provided to individuals based on satisfactory completion of tasks set forth for fundraising activities such as pop hoop shoots, passing accuracy contests etc.
- 15.3 When a student is selected by chance or random drawing, to participate in a halftime or pregame contest involving a sport skill (e.g. throwing, kicking, or shooting a basketball), he or she may receive cash or merchandise prize from the contest, without affecting eligibility under MHSA Awards and Amateur rules.

Random drawing of names or lucky numbers in a program determining the participant would not be a violation. Examples include, but are not limited to, booster club fund-raisers, drawings to shoot a half-court or three point shot, or passing a football to win a prize. During the season of activity, a player from a school team is permitted to participate in such contests, provided the selection occurs randomly.

- 15.4 Individual miniature trophies for first and second place MHSA state championship events may be purchased from the Association's awards provider.
- 15.5 Penalties shall apply when:
- a. The student accepts any award exceeding twenty dollars (\$20.00) in value from a commercial club or other civic organization.
 - b. Any type of cash is accepted.
- Penalties shall not apply when:
- c. The award is purchased and presented by the student's parents.
 - d. The award is purchased by the student with money earned or secured through his/her own individual efforts.
- 15.6 Violation of the award rule will render the student ineligible in the MHSA-sponsored sport or activity for which the student received the award.

The Executive Board will follow the same procedure for restoring the eligibility status as provided in the last paragraph of the Amateur Rule, Article II, Section (19) of the By-Laws.

Section (16) AMATEUR RULE

- 16.1 All contestants in the Montana High School Association must be amateurs. An amateur is one who engages in athletics for the educational, physical, mental and social benefits he/she derives therefrom, and to whom athletics are nothing more than an avocation. To remain an amateur, the student may not:
- a. Accept remuneration directly or indirectly for playing on athletic teams.
 - b. Play or manage under an assumed name.
 - c. Receive donations or gifts for participation outside the MHSAA award rule.
 - d. Knowingly accept payment for excessive expense allowances. It is not permissible for an athlete to receive money from coaches for unidentified or unspecified expenses.
 - e. Sell a prize won in competition.
 - f. Bet on a contest in which he/she is to participate.
- 16.2 A student who becomes a professional in an MHSAA-sponsored sport is considered a professional in that sport only and is ineligible for further high school athletic competition in that sport only until such time as returned to amateur status in that sport.
- 16.3 A student may be reinstated as an amateur by the Executive Board after not less than one calendar year has elapsed since the date he/she was declared a professional, provided his/her high school principal requests in writing the reinstatement as an amateur and certifies that the student has not, during that one year period, violated the rules of amateurism, and that the student is not now under contract to, or owned by, any professional athletic organization.

INTERPRETATION

A student athlete may:

1. A student-athlete may work in camps where he/she is not participating as a "camper", fulfilling duties that include some officiating, coaching and instructing.
2. Be employed in the intramural sports program of his/her school in which duties include officiating intramural contests for the going rate for such employment.
3. Participate as an individual or as a member of a team against professional athletes, but the student athlete may not participate on a professional team.
4. Participate and/or work in summer athletic camps but any awards accepted must not be in conflict with the awards rule.
5. Participate in sports during the summer or during a season when the player is not a member of a regular high school team, providing monetary compensation is not received for services.

Section (17) RECRUITING PROHIBITED

- 17.1 Schools, or any employee, representative, club, or other person or entity associated with that school, are prohibited from engaging in any activity intended to induce a student (either directly or through the parents or guardians of the student) to remain at his/her current school or transfer to another school for reasons relating to athletic participation.
- 17.2 Neither may a school condone, acquiesce to, or otherwise knowingly allow persons not directly associated with the school to engage in the same type of conduct.

17.3 Violations of this rule may subject the student involved to be declared ineligible from the date of the infraction and may subject the school to penalties as set forth in Article VIII, section (2).

17.4 The Executive Director may, in lieu of immediate hearing, request affidavits or other documentation relative to charges of undue influence. Following a decision by the Executive Director, the issue may be appealed to the Executive Board.

ARTICLE III

Principal's Duties and Powers

Section (1) The principal of the school or that member of the faculty approved by him/her shall be the manager of the teams representing the school.

Section (2) No contest shall be arranged with any team without the sanction of the principal.

Section (3) The principal of a member school has the power to exclude from any team representing his/her school, contestants for violation of local rules as though they were part of the Association's rules. No action by the principal under this section is subject to review by the Executive Board.

ARTICLE IV

Establishment of Seasons and Calendar

Section (1) Any change of season shall require an affirmative two-thirds (2/3) vote of the members present and voting on the proposed change of season. Due written notice of the proposed change of season shall have been given to all member schools by publishing same in the monthly Association BULLETIN for December, which shall be mailed to all member schools at least thirty (30) days before the date set for the Annual Meeting.

Section (2) The Executive Board may set up rules determining the length of season for each MHSA activity. The Executive Board shall have the authority to set the beginning and ending dates of each established season determined by the membership as set forth in Section 1 of this article.

Section (3) The Executive Board shall have the authority to govern pre-season games and contests, post-season games and contests, and the total number of games or contests to be played during the activities seasons.

ARTICLE V

Association Rules

The rules of this Association shall apply to all interscholastic activities among the member schools of this Association.

ARTICLE VI

Crowd Control

INTRODUCTORY NOTE: One of the prime functions of interscholastic competition is to foster the traits of good sportsmanship. The MHSA strongly urges local officials to stress to their athletes, student bodies and fans the importance of sportsmanship during all Association Contests, and to make them aware of MHSA rules, policies and by-laws concerning crowd control.

Section (1) Administrative Duties

- 1.1 The Montana High School Association recognizes the primary obligation incumbent upon the administrators of member schools to control their students, staff members and fans at all Association Contests.

Section (2) Crowd Control Violations

- 2.1 When a violation of the principles of good sportsmanship occurs so as to endanger the personal safety of any individuals involved, hinder the normal progress of an Association Contest or create situations that may lead to restriction or discontinuance of interscholastic competition, the Executive Board of the Montana High School Association shall contact the administration of the school(s) involved to discuss the situation and attempt to cooperatively formulate a solution to the problem.
- 2.2 If the violation is flagrant or the situation persists, the Executive Board shall have the power to invoke penalties upon the member school(s). The penalties that may be imposed against the school may consist of those listed in Article VIII of these By-Laws. (See Rules and Regulations, Sportsmanship Guidelines and Crowd Control sections.)

ARTICLE VII

Protests and Appeals - Due Process

"Due process" is a procedure which the courts of law recognize as a necessary part of any code of rules and regulations. "Due Process" furthermore, and of primary importance, recognizes the rights of the individual since it outlines his/her recourse in the event that he/she feels a wrong decision has been made. The procedure for appeals, protests and "due process" outlined hereafter is to be followed in cases involving decisions under the rules and regulations of the Association, including those relating to eligibility. It should be understood that participants and their parents will be expected to follow the "due process" steps in the event that legal action should be initiated at some later date.

Subsection A: Disputes Between Member Schools

- Section (1)** An administrative head of a member school; or the officers of a district or division, when authorized by a majority of the member schools of that district or division, may protest another member school for violating the By-Laws or rules of the Association.

NOTE: The administrative head of any member school may submit facts concerning any student whose eligibility may be in doubt, to the Executive Director. Such questions of eligibility shall then be decided by the Executive Board and a report of the Board's decision will be sent to the administrator of the member school. Such action by an administrator shall not be regarded as a formal protest. Specific cases in which the names of students are submitted — not hypothetical cases — will be considered.

By ruling of the Executive Board no protest affecting final championship football games will be considered unless in Classes A, B and C the protest is submitted before October 21 and in Class AA the protest is submitted before October 28. Individual players on teams, of course, may be disqualified by the Executive Board at any time.

- Section (2)** A protest for violation of the By-Laws or rules of the Association may be made by filing such protest in writing with the Executive Director of the Executive Board and paying a filing fee in the sum of five dollars, (\$5.00).

Section (3) Receipt of Protest

- 3.1 Upon receiving a protest, the Executive Director shall set said protest for hearing before the Executive Board. Written notices of the day and the time set for hearing,

together with a copy of said protest, shall be sent to the protested school, and the protesting school. Except as provided hereafter, the notice shall be sent at least fifteen (15) days prior to the time set for hearing. Notice shall be deemed sent on the day it is deposited in the U.S. mail with first-class postage.

- 3.2 Post-regular season play will not be delayed because of a protest. Where a protest is filed at such time that fifteen (15) days' notice cannot be given without delaying or otherwise interfering with post-season play, then the fifteen (15) day written notice requirement will be suspended. In that situation, the Board will shorten the time of notice and adopt alternative means of giving notice (either oral or written) as required by the circumstances. Where a protest is received during post-season play, or so close to post-season play that any meeting of the Executive Board is impractical, then a formal hearing may be dispensed with entirely. Instead, the Executive Director will immediately notify all schools concerned and the Montana High School Association Executive Board. Immediate action will be taken after careful investigation and review of the facts concerning the protest. The school or person filing a protest shall be named to the membership.

NOTE: The following is the procedure adopted by the Board to handle Section (3), 3.2:

1. Protest is to be filed with the Executive Director in writing accompanied by a \$5.00 protest fee.
2. The Executive Director is to call the schools involved and other persons known to him to be knowledgeable concerning the circumstances to obtain details concerning the protest.
3. If the matter in question is not covered completely in the handbook, at least two people selected from the Executive Board, or an Executive Director, or an Assistant Executive Director shall meet with the parties concerned.
4. After this meeting, the Executive Board shall make a decision by conference telephone call.
5. No tournament shall be stopped until a protest is settled, but all decisions will be made before the beginning of the next tournament to which the team involved would normally advance.

Section (4) The Executive Board is hereby vested with the power to decide all protests.

Section (5) The Executive Board shall also have power to investigate any protests filed and may, of its own volition, investigate and file protest against any member school, said protest to be filed in accordance with section (3) of this article.

Section (6) At the hearing, certified statements of school administrators, and sworn affidavits by interested parties will be accepted as evidence, and the Executive Board will accept all evidence presented on behalf of the protested school and the protesting school and any facts determined by its own investigative power.

Section (7) Board Members Hearing Protests

- 7.1 In the event a member of the Executive Board shall be directly interested in a protested case, as defined below, such member of the Executive Board shall be disqualified from hearing such protest upon the Board's own motion or upon motion of any school involved in the protest.

The following circumstances are considered to constitute a direct interest by a member of the Executive Board:

- a. Where his/her school is involved either as the protesting school or the school protested against.
- b. Where a student from his/her school is involved.

- c. Where the outcome of the protest could result in a penalty of forfeiture and that forfeiture would cause a change in the final result of a game, contest or activity already completed by his/her school.
 - d. Where the outcome of the protest could result in a penalty of forfeiture and that forfeiture would determine whether his/her school advanced to a game, contest or activity.
 - e. Where the outcome of the protest could result in a penalty of forfeiture and that forfeiture would determine whether his/her school would acquire a "home-field advantage" in an upcoming game, contest or activity.
 - f. In any other circumstance which the Executive Board shall determine constitutes a direct interest in the protested case, the Board, on its own motion or the motion of a school involved in the protest, may disqualify such member from hearing such protest.
- 7.2 A school involved in a protest may, upon request prior to the hearing, disqualify one director for any reason.
- 7.3 Any director may disqualify him/herself in the event he/she determines he/she directly interested in the protested case.
- 7.4 If a motion of disqualification is received at least two days prior to the date of hearing, the president of the Association shall appoint a representative of a disinterested member school of the same classification as that of the disqualified member(s) school to sit at such hearing in the determination of the protest. In the event the president of the Association is disqualified, the vice president of the Association shall make the appointment. If the motion of disqualification is received less than two days prior to the date of hearing, the Board may elect to resolve the protest with the remaining members of the Executive Board.

Section (8) As soon as possible after the hearing, the Executive Board, by a majority vote of its members, must determine the protest.

Section (9) In the event the Executive Board determines that a violation of the By-Laws or rules of the Association has occurred, it shall have power to discipline the member school. The penalties which may be imposed by the Executive Board are outlined in Article VIII.

Section (10) A member school found to have violated the By-Laws, or rules of the Association by the Executive Board, may appeal the decision of the Executive Board of the Association by notifying in writing the Executive Director of its desire to appeal such determination and depositing with the Executive Director the sum of one hundred fifty dollars (\$150.00). The Executive Director shall then proceed to call a special meeting of the Association as set forth under these By-Laws at which meeting the Association will proceed to review the action of the Executive Board. If the decision of the Executive Board is upheld, the deposit of the appealing member school shall be forfeited. If the decision of the Executive Board is overruled by the Association, the deposit herein provided for shall be returned to the appealing member school. The determination of the Association shall be final as to the violation protested.

Subsection B: Individual Due Process, Rules Interpretation and Procedure

Section (1) INDIVIDUAL DUE PROCESS

- 1.1 If a student is ruled ineligible under Montana High School Association rules as a participant in any school activity regulated by the Montana High School Association, that student shall be given, within a reasonable period of time, notice of the ruling, by the building administrator, and the notice is effective on the date it is given. The notice shall advise the student of (a) the violation or infraction, (b) the date of the violation or infraction, (c) the period of ineligibility, (d) the student's appeal rights and procedure, and (e) any other pertinent information.
- 1.2 The student affected, or his/her parents or guardian may appeal any decision of the building administrator, ruling on ineligibility, to the Executive Board of the Montana High School Association by filing with the Montana High School Association, at its office in Helena, Montana, within fifteen (15) days of receipt of the official written notice of ineligibility, a written notice of appeal. A date for a hearing will be established by the Montana High School Association no later than five (5) days after receipt of the written appeal and the hearing will take place no later than thirty (30) days after receipt of the written appeal unless the student or parents or guardian stipulate for such delay. The hearing will be conducted by the Executive Board pursuant to the procedure set forth in section three (3) below.

Section (2) INTERPRETATION OF RULES

- 2.1 A participant or parents, or school which is a member of the Montana High School Association, may certify a question in writing to the Executive Board of the Association, seeking an interpretation of the Articles of the Association, By-Laws or the Rules and Regulations of the Association. The written certified question shall be presented to the Executive Board of the Association at its next regularly scheduled meeting or if the party submitting the request agrees to pay for all costs incidental to a special meeting of the Executive Board or for a conference call among members of the Executive Board, then said certified question shall be submitted to and decided by the Executive Board at a special meeting or conference call.
- 2.2 Prior to any ruling on a question certified, the Executive Director or representative of the Association designated by the Executive Board may be directed to investigate on behalf of the Board all of the factors relating to the interpretation requested of the Executive Board. After such an investigation is completed, the Executive Board shall notify all parties seeking the decision on certified question, of the time and place of the hearing at least seven (7) days in advance of such hearing. The hearing will be conducted by the Executive Board pursuant to the procedure set forth in section three below.

Section (3) HEARING PROCEDURE

- 3.1 In any hearing conducted concerning an appeal involving student ineligibility or rule interpretation, the Executive Board, through its Executive Director, shall notify the following persons of the time, date of the hearing, and the place where the hearing will be held: (a) the student; (b) the parents or guardian of the student; (c) the building administrator who made an ineligibility ruling or whose school certified a rule for interpretation; (d) the appropriate director of the sport or activity; and (e) all other interested individuals.
- 3.2 All hearings will be held at the Montana High School Association office in Helena, unless another place for a hearing is stipulated to by all parties and the Executive Board of the Montana High School Association. The school representatives, students, parents, contest officials, and coaches are entitled to be personally represented at the hearings or to represent themselves. If a student is submitting an

issue for certification, that student may be represented by the member school the student attends. All parties are entitled to be represented by legal counsel.

- 3.3 The president of the Association will begin the hearing by asking for statements clarifying the issues involved. If an investigation has been performed, at the beginning of the hearing the Executive Director shall make available written copies of his/her investigation.
- 3.4 The party appealing an ineligibility ruling to the Board or certifying the issue for determination by the Executive Board of the Montana High School Association shall thereafter present its case including written evidence, testimony and argument supporting the ruling or interpretation that it urges. All parties urging affirmance of an ineligibility ruling or disagreeing with the certifying parties' interpretation of the rules thereafter may present written evidence, testimony and argument supporting the ruling or interpretation of the rules they urge. The appealing party of the certifying party shall have an opportunity to rebut such presentation. All parties may offer evidence, including the calling of witnesses, if they desire.
- 3.5 After all of the parties have submitted their evidence and upon advice from the parties that they have presented all of their evidence, the hearing shall be declared closed. Thereafter, the Executive Board shall make their decision which decision may be in open session or following the hearing, after taking the matter under advisement, in order to consider the evidence and application of the rules. A decision must be rendered in three (3) days.
- 3.6 Following the decision, a summary of the findings and conclusions of the Executive Board will be submitted in writing to all parties present at the hearing, the building administrator, the Executive Officer of the Association and to those other individuals concerned with said ruling.
- 3.7 The determination of the Executive Board shall be final as to the question of ineligibility involved or the interpretation of the rules.

ARTICLE VIII

Penalties

INTRODUCTORY NOTE: The Montana High School Association Executive Board has authorized the Executive Director to invoke the sanctions/penalties as outlined in this section. Appeals to any sanction/penalty imposed shall be acted upon by the MHSA Executive Board at any regular meeting including conference telephone calls, provided the school or individual requesting, agrees to pay for the cost of the call.

Unless otherwise specifically provided for, this provision shall determine the penalties which may be applied by the Association.

Section (1) PARTICIPATION OF INELIGIBLE STUDENT

For participation of an ineligible student or students in any interscholastic contest or contests:

- 1.1 The Board shall impose the following:
 - a. In all team sports (e.g. basketball, football, soccer, softball, volleyball) forfeiture of the contest in which the ineligible student or students participated and disqualification of ineligible student or students for a period not to exceed one semester (90 school days) from the date he/she last participated while ineligible; or

- b. In all individual sports (e.g. cross country, track, wrestling, golf, tennis, gymnastics, swimming) forfeiture of all matches won or points earned by the ineligible student and a corresponding adjustment in the team's ranking of the contest in which the ineligible student or students participated and disqualification of ineligible student or students for a period not to exceed one semester (90 school days) from the date he/she last participated while ineligible.
- 1.2 The Board may fine the school an amount not exceeding \$50.00.
 - 1.3 If the Board determines the students involved intentionally misled the school as to the facts pertinent to their eligibility, it may declare the students ineligible for a period of time not exceeding one year from the date of the contest in which they last participated.
 - 1.4 If the ineligible student participated after he/she had been officially declared ineligible and the school administrator had been so notified; or if the Board finds the school knew the student or students were ineligible or knew of facts which clearly indicated the student was ineligible; or if the Board determines the school involved has evidenced a continuing indifference to its obligations to determine the eligibility of its students then it may further impose penalties as set forth in Section (2).
 - 1.5 If a student or member school participates in interscholastic competition when ineligible or contrary to the rules and regulations of the MHSA, but pursuant to a temporary restraining order or preliminary injunction against the MHSA and member schools, and the temporary restraining order or preliminary injunction is subsequently vacated, reversed, set aside, negated or found to have been improperly granted, or if the case in which the temporary restraining order or preliminary injunction was entered is voluntarily or involuntarily dismissed, the Executive Board may take any one or more of the following actions in the interest of fairness and restitution to other member schools:
 - a. Require the student(s), team or school so participating to forfeit all contests, events, or competitions participated in and/or forfeit and return to the MHSA all trophies and awards won or received. Team records, scores and individual performances shall also be vacated and tournament places or contributions adjusted.
 - b. Declare the student(s), team or school so participating to be ineligible for future competition or participation for a period of time or number of contests found by the Executive Board to be reasonable.
 - c. Such action as the Executive Board feels best serves the interest of fairness and restitution under existing circumstances.

Prior to taking such action, the Executive Board shall conduct a hearing and give notice to the student(s), team and/or school who so participated and provide an opportunity to appear and be heard.

Section (2) GENERAL PENALTIES

For violation of any rule or regulation (other than participation of an ineligible student or other rule where a penalty is specifically provided for) by any member school, the Board may impose a private reprimand, a public reprimand, probation, suspension, and payment of a fine as set forth hereafter.

- 2.1 Private Reprimand. A private reprimand is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such

an action must not be repeated. A fine not exceeding \$50.00 may be imposed in conjunction therewith.

- 2.2 Public Reprimand. A public reprimand is written notification similar to private reprimand except that it shall be disseminated to such other schools as the Board may direct. A fine not exceeding \$100.00 may be imposed in conjunction therewith. The offending school shall be given a copy of the proposed reprimand 15 days prior to its dissemination so that it may have an opportunity to appeal the sanction prior to its dissemination.
- 2.3 Probation. Probation is a more severe penalty and may be imposed in either of the following two ways:
 - a. A school on probation is on conditional Association membership, but may engage in its regular schedule, sanctioned events, and post season play provided the school files with the Association a program indicating the measures it will take to alleviate the problem which caused it to be placed on probation. A fine of not more than \$200.00 may be imposed in conjunction therewith.
 - b. A school on strong probation may be required to forfeit all regular season contests during the time of probation and/or it may be prohibited from participating in post season play. No fine shall be imposed in conjunction therewith.

The probation shall be for a term not exceeding one year. The Board may terminate the probation prior to the expiration of the term.
- 2.4 Suspension. A school suspended from Association membership can not meet in interscholastic competition of any kind with a member of the Association. Suspensions may be imposed for a term not exceeding one year. No fine shall be imposed in conjunction therewith.
- 2.5 Forfeiture. In addition to the other penalties imposed, the Board may direct that any awards, honors, or contests (past or future) be forfeited if it determines the violation of any By-Law, regulation or rule of the Association gave (or will give) a competitive advantage to the individual or team.
- 2.6 Ejections. Any student or coach who represents a school holding membership in the MHSA who is ejected from an interscholastic athletic competition for unsportsmanlike conduct involving schools which are members of the MHSA will not participate for the remainder of the event and will be suspended for the next regularly scheduled or rescheduled event at that level of competition and all other games/meets in the interim at any level of competition. In post season tournament wrestling the next event is defined as the next session for coaches; and for students the appropriate post season NFHS rules will be applied. A student cannot be in uniform while suspended.

A second violation will result in a four competition suspension in that sport by the offending student/coach. If penalties are imposed at the end of the sport season and no contests remain, the penalty is imposed the first contests in that particular sport in the next school year. In the case of a senior student, the penalty will continue to the next MHSA sponsored sport or activity.

A third violation will result in the student being suspended for the remainder of that sport season and for an additional ninety (90) P.I. days from the date of the championship event of that classification.

If a coach is ejected from the last scheduled season game, the coach must miss the next highest contest where there are regular duties to perform.

If a head coach is ejected, an assistant coach or any other school district personnel authorized to supervise students may assume the head coaching responsibilities for the remainder of the contest. If no other authorized school district personnel is on site, the contest will be terminated and a forfeiture declared.

Appeal: The president of the conference may appoint a hearing officer/ board to hear any appeals, within 48 hours of the receipt of a complete report of the incident. Appeals may not deal with decisions made by contest officials.

INTERPRETATION

An ejection of a coach at a wrestling divisional or seeding tournament results in a suspension from the first session at the state wrestling tournament. An ejection of a student at a wrestling divisional or seeding tournament results in suspension from the state tournament (by NFHS rule).

ARTICLE IX

Amendments

Section (1) The By-Laws of this Association may be amended at any annual meeting of the Association by a two-thirds (2/3) vote of the members present and voting on the proposed amendment. Due written notice of any proposed amendment shall have been given to all member schools by publishing same in the monthly Association BULLETIN for December, which shall be mailed to all member schools at least thirty (30) days before the date set for the annual meeting. Amendments may be proposed at any annual meeting to be considered at the next annual meeting.

Section (2) Proposed amendments to the By-Laws must be presented in writing to the Executive Director of the Association by December 1. Amendments may be proposed by the superintendent or principal of any member school or the Executive Board.

NOTE: If the time of the annual meeting is changed to any great degree, the Executive Board may authorize a date other than December 1.

Section (3)

3.1 The rules and regulations of the MHSAA may be amended by majority vote of the members present and voting on the proposed amendment provided the proposed change has been formally requested of the Executive Board and denied. The amendments must be proposed by the superintendent or principal of any member school or the Executive Board as follows:

3.2 Written notice sent to the Executive Director of the Association by December 1 and published in the December BULLETIN and mailed to all member school at least thirty (30) days prior to the date set for the annual meeting. Rules and regulations amended by the general membership at an annual or special MHSAA meeting shall not be set aside or altered by the Executive Board before the change has been in effect for one year, except as the change may be clearly in conflict with amended By-Laws or any legal agreements.

Section (4) All amendments to the MHSAA By-Laws and /or the rules and regulations that are adopted at an annual meeting of the Association will become effective July 1 following their adoption.

ARTICLE X

Athletic Classification and Districting

The Executive Board is responsible for reclassification and redistricting of member schools as provided in Article I, Section 4.2, of the By-Laws. A new athletic classification and districting plan was set up by the Executive Board, effective July 1, 2007.

Factors to Be Considered in Athletic Classification

Section (1) Criteria

The MHSAA Executive Board shall use the following criteria in the classification of schools:

- 1.1 enrollment (grades 9-12) including grades 5-8 enrollment for informational purposes only;
- 1.2 geography;
- 1.3 district/divisional alignment; and

Section (2) Classifications

- 2.1 The following enrollment figures shall be used as a basic guideline and adhered to unless geographic locations or district or divisional alignment make the same impractical: Class AA = 826+; Class A = 340-825; Class B = 120-339; Class C = 1-119. Moving schools to a higher classification or to a lower classification will be based on two consecutive years of count; and, schools will be allowed to appeal to the Executive Director/Executive Board on any decision made.
- 2.2 When the MHSAA Executive Board adopts classification for member schools, the classifications shall remain in effect for the next two (2) school years.
- 2.3 Any school that exceeds the maximum enrollment levels by no more than ten percent (10%) may remain at the lower classification for two years.
- 2.4 Schools are permitted to opt up to a higher classification for a minimum of two years.
- 2.5 A member school whose enrollment significantly changes during the two-year period shall be placed in the proper classification by the Executive Board. "Significantly changes" is defined as a decrease or an increase in enrollment of more than twenty-five percent (25%).

Section (3) Petition for Change

- 3.1 Any school that feels it has sufficient cause for reclassification, or wishes to transfer to a different conference, division or district may petition the Executive Board in writing on or before July 1 of any school year, stating the reasons for submitting the petition. The Executive Board will decide at their November meeting whether the classification change will be granted, and the affected member schools will be notified of the proposed change at least two weeks prior to the November Board Meeting. If the Executive Board approves the petition the school will be moved into the new classification, district and/or division for the following year.

Section (4) Enrollment Data

- 4.1 The enrollment figures considered by the Executive Board for any member school will be taken from an average of the current fall and previous spring high school reports submitted by that school to the Office of the State Superintendent.

Section (5) Notification

- 5.1 No change in districts, divisions, or classification shall take place or shall any hearing considering the change take place until all schools in both the leaving and entering district, division, or class have been given two weeks notice.