

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

May 2, 2011

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: Policy 7:240-Conduct Code for Participants in Extracurricular Activities

This policy is revised to update all legal and cross-references. The new policy adds requirements for the education of steroid use in 7<sup>th</sup> and 8<sup>th</sup> grade, and gives more description to expectations of appropriate behavior. It indicates appropriate behavior must take place all of the time, not merely when school is in session.

We can use this as our first reading and place this on the consent agenda for next time.

## Students

### Conduct Code for Participants in Extracurricular Activities <sup>1</sup>

The Superintendent or designee, using input from coaches and sponsors of extracurricular activities, shall develop a conduct code for all participants in extracurricular activities consistent with School Board policy. <sup>2</sup> The conduct code shall: (1) require participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on and off school property, and (2) notify participants that failure to abide by it could result in removal from the activity. <sup>3</sup> The conduct code shall be reviewed by the Building Principal periodically at his or her discretion and presented to the Board.

All coaches and sponsors of extracurricular activities shall annually review the rules of conduct with participants and provide participants with a copy. In addition, coaches and sponsors of interscholastic athletic programs shall provide instruction on steroid abuse prevention to students in grades 7 through 12 participating in these programs. <sup>4</sup>

LEGAL REF.: Board of Education of Independent School Dist. No. 92 v. Earls, 122 S.Ct. 2559 (2002).  
Clements v. Board of Education of Decatur, 478 N.E.2d 1209 (Ill.App.4, 1985).  
Kevin Jordan v. O'Fallon THSD 203, 706 N.E.2d 137 (Ill.App.5, 1999).  
Todd v. Rush County Schools, 133 F.3d 984 (7th Cir., 1998).  
Veronia School Dist. 475 v. Acton, 515 U.S. 646 (1995).  
 105 ILCS 5/24-24, 5/27-23.3, 25/2.

CROSS REF.: 5:280 (Duties and Qualifications), 6:190 (Extracurricular and Co-Curricular Activities), 7:190 (Student Discipline), 7:300 (Extracurricular Athletics)

**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State or federal law controls this policy's content.

<sup>2</sup> Optional:

...and the rules adopted by any association in which the School District maintains a membership.

<sup>3</sup> In most cases involving a student's removal from an extracurricular activity, courts have ruled that participation in extracurricular programs is a privilege rather than a right. Clements v. Board of Education of Decatur Public School District No. 61, 478 N.E.2d 1209 (Ill.App.4, 1985). The deprivation of a privilege does not trigger the Constitution's due process provision. Consequently, unlike school attendance, students generally have no constitutional right to participate in extracurricular programs. See also Kevin Jordan v. O'Fallon THSD 203, 706 N.E.2d 137 (Ill.App.5, 1999). This case involved a type of "good citizen" rule in which all student-participants in extracurricular activities agreed to abide by the school's ban on alcohol and drug use. Pursuant to this rule, the school suspended a star football player who police had found intoxicated at a convenience store around 3:00 A.M. The suspension was upheld. Nevertheless, participants who violate the conduct code should be allowed to give an explanation before being removed from the activity.

<sup>4</sup> 105 ILCS 5/27-23.3.