



**SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
SDHSAA OFFICE BUILDING**

November 4, 2015

10:30 a.m.

Pierre, South Dakota

The Board of Directors held a regular meeting on November 4, 2015, at the SDHSAA Office Building in Pierre, South Dakota with members present as follows:

Dr. Jason Uttermark	Linda Whitney	Bud Postma	Sandy Klatt	Steve Morford
Dr. Roger Bordeaux	Moe Ruesink	David Planteen	Dr. Brian Maher	

Staff members present included Wayne Carney, Jo Auch, John Krogstrand, and Brooks Bowman.

The meeting was called to order by Chairman Uttermark at 10:30 a.m. followed by the Pledge of Allegiance.

**Approval of the Agenda**

It was moved by Linda Whitney, seconded by Steve Morford, to approve the agenda as submitted.

The motion passed 9-0.

**Welcome to Dr. Maher and verify the election results**

Dr. Brian Maher, Superintendent of the Sioux Falls Public Schools, was welcomed to the Board of Directors by Chairman Uttermark.

Following the welcome, it was moved by Dr. Roger Bordeaux, seconded by Moe Ruesink, to verify the election results of 128 votes for Dr. Maher with 2 ballots void due to a lack of signatures.

The motion passed 8-0 with Dr. Maher abstaining.

**Approval of Minutes from the Regular Meeting and Special Meeting held on August 27, 2015**

It was moved by Steve Morford, seconded by David Planteen, to approve the minutes from the Regular Meeting and Special Meeting of the Board of Directors held on August 27, 2015.

The motion passed 9-0.

**Approval of the Financial Reports as Submitted**

Following a review of all financial reports, it was moved by Moe Ruesink, seconded by Linda Whitney, to approve the following financial reports as submitted:

- A. Income statements for August and September of 2015
- B. Balance sheets for August and September of 2015
- C. Cash Flow Chart
- D. Receive report from Reinke Gray Wealth Management

The motion passed 9-0.

## Consent Agenda

Chairman Uttermark asked if there were any items on the consent agenda that any Board member wished to move to the regular agenda. Sandy Klatt asked that item D be taken off for further discussion.

It was moved by Steve Morford, seconded by Sandy Klatt, to approve consent agenda items A, B, C, and E.

- A. Approval of vouchers paid as follows:  
August of 2015--\$328,321.59  
September of 2015--\$122,648.90
- B. Approve nominees for the Distinguished Service Award for 2015-16:
 

<u>Name</u>	<u>School</u>	<u>Position</u>
a. Tom Allen	Spearfish	Contributor
b. Shannon Jewett	Cheyenne-Eagle Butte	Coach
c. Silas Blaine	Crazy Horse	Administrator
- C. Approve a request for Cooperative Sponsorship of Activities between Custer High School and Edgemont High School in the sport of wrestling effective the 2015-2016 school year.
- D. Consider penalty for SF Lincoln High School for a violation of the out-of-season rule.
- E. Consider penalty for SF Roosevelt High School for a violation of the out-of-season rule.

The motion passed 9-0.

Sandy Klatt questioned why the second violation reported by SF Lincoln was not considered for a reprimand. Mr. Carney explained that the second violation occurred during the 2013-2014 school year and had been addressed by the administration at SF Lincoln. Since violations are considered on a year-to-year basis, the 2013-2014 violation was not a consideration. Dr. Maher advised that issues brought forward by parents or community members should be handled at the local level.

Following further discussion, it was moved by Dr. Roger Bordeaux, seconded by Moe Ruesink, to approve consent agenda item D.

The motion passed 9-0.

## Staff reports:

The following staff reports were given:

- A. The following state tournament and event reports were presented:
  - a. "A" and "AA" boys' golf were presented by John Krogstrand and Wayne Carney
  - b. "A" and "AA" boys' and girls' soccer was presented by John Krogstrand
  - c. Girls' tennis was presented by Jo Auch
  - d. Boys' and girls' cross country was presented by John Krogstrand
  - e. Competitive cheer and dance was presented by Jo Auch
  - f. All State Chorus & Orchestra was presented by Brooks Bowman
- B. NFHS Speech/Music Conference and Committee Reports were presented by Brooks Bowman
- C. Advisory Committee Reports were presented by:
  - a. John Krogstrand in Track & Cross Country
  - b. Wayne Carney for the Native American Advisory Council
  - c. Jo Auch in Competitive Cheer and Dance

- D. A Legislative Summer Study Report was presented by John Krogstrand. The agendas, minutes, and supporting documents for the three meeting dates are available on the SD Legislative website, <http://legis.sd.gov>, for review.

Chairman Uttermark declared the Board in recess at 11:45 a.m.

Chairman Uttermark declared the Board back in session at 11:50 a.m.

### **Proposed constitutional changes**

SDHSAA staff and Board annually review the current Constitution and Bylaws and consider any changes deemed appropriate for the 2016-2017 school year. Proposed changes must be drafted and submitted to the SDHSAA office 30 days prior to the Annual Meeting which is scheduled for April 19, 2016. Constitutional amendments may be submitted by the Board of Directors or by petition from the SDHSAA member schools. The complete method of proposing amendments may be found in the SDHSAA Constitution, Article X, Section 1, page 12.

Mr. Jeff Danielson, Superintendent at West Central High School, will assist in verbiage related to those positions open to superintendents on the SDHSAA Board of Directors.

No further action was taken.

### **Approve changes for 2015-16 State One-Act Play Festival and State “AA” Track & Field Meet**

Brandon Valley High School was scheduled to host the 2015-16 State One-Act Play Festival on February 4-6, 2016, as well as the first day of the Class “AA” State Track and Field Meet on Friday, May 27, 2016. Mr. Randy Marso, Activities Director at Brandon Valley High School, called to inform me that due to construction constraints Brandon Valley would not be able to host either event this year.

SDHSAA staff contacted SF O’Gorman Activities Director, Mr. Steve Kueter, who, after checking with his administration, has agreed to host both events this year. Brandon Valley would then replace SF O’Gorman in the rotation for State One-Act Play Festival, February 1-3, 2018, and Class “AA” State Track and Field Meet on Friday, May 26, 2017.

It was moved by Bud Postma, seconded by Sandy Klatt, to approve the site changes.

The motion passed 9-0.

### **Approve revisions to SDHSAA Policy Manual regarding staff expenses and credit card policy**

After consulting with the SDHSAA’s local accounting firm Stulken, Petersen, Lingle, Walti & Jones, and Board President Dr. Jason Uttermark, staff made the following recommendations for revisions to the policy manual and credit card policy:

- A. Staff shall complete vouchers for meal reimbursement while traveling on association business. Rates for meals paid will match those of Board of Directors members. Meals paid without an overnight stay will be reimbursed as taxable income.
- B. Updated policy for credit card use. **See Appendix A at the end of the minutes.**

Following discussion, it was moved by Bud Postma, seconded by Sandy Klatt, to approve the revisions to the SDHSAA Policy Manual as presented.

The motion passed 9-0.

### **Out-of-Season policy revisions**

In April 2015, the SDHSAA Board of Directors heard a report from the SDIAAA Convention detailing recommended changes from SDHSAA Advisory Committees and the statewide Athletic Directors for consideration.

In June of 2015, it was decided to table one of those items – a revision of Out-of-Season policy that would be far less restrictive on definitions of allowable activities for the months of June and July, while also establishing a “moratorium” on all contacts from July 1 through July 7 annually. Additionally, an amendment was proposed on the floor of the SDIAAA Convention to keep this proposal intact, but also limit coaches/programs to “four team contacts” in the summer period to provide some additional local control on the number of leagues, camps and tournaments at which a coach could work with his or her student athletes during the summer months.

Per further discussion the following recommendations were made to the Board of Directors on behalf of the nine-member Advisory Committee:

- The committee generally feels that they would like to move forward with the original proposal as it was voted on in March 2015 at the SDIAAA Convention, with the inclusion of the amendment drafted by Randy Marso, Activities Director at Brandon Valley High School. Any additional language, per the committee, does not solve any ‘unlimited practice issues’ as, ultimately, coaches could already be conducting that type of activity under our current rule set under the guise of “individual camps.” (A copy of the proposal, as amended is attached)
- The committee requests the Board of Directors consider this proposal for implementation before the summer of 2016. If the Board of Directors would like to utilize some sort of instrument to gather opinions of member school districts, that is “OK,” but the committee generally supports the changes as presented that make things more sensible for implementation and rule adherence at the local level. Additionally, the committee feels that the 121-5 vote of the SDIAAA Membership in March is a strong indicator of the feelings of Athletic Directors and coaches who generally deal with these rules on a daily basis in the summer and felt comfortable with the changes as discussed.

The following spoke to the agenda item: Clay Anderson—Belle Fourche, Eric Smart—Canton, Brian Moser—Pierre, Jeff Danielson—West Central, and Craig Nowotny—St. Thomas More.

Following discussion, staff was directed to place this on the agenda for January 13, 2016, meeting of the Board of Directors for further discussion and possible action. Staff was also directed to send out a survey monkey questionnaire to all superintendents after December 9, 2015, for their input on any proposed changes.

### **Consider options for cooperative sponsorship of activities during both alignment and non-alignment years and the potential effects on classification**

Assistant Executive Director Krogstrand presented information to the Board relative to a potential cooperative application between Centerville High School and Irene-Wakonda High School in the sports of football, girls’ basketball, and volleyball. Chad Conaway, Superintendent of the Centerville School District and Dave Hutchison, Superintendent of the Irene-Wakonda School District, presented the Board with enrollment numbers for both schools which would affect classification in the sports of football,

girls' basketball, and volleyball for the alignment years 2016-17, 2017-18 and 2018-19. The enrollment numbers at this time would place the football cooperative in the 11B classification and the girls' basketball and volleyball in class "A". The two schools are considering a three year contract at which time Centerville feels their enrollment numbers would allow them to dissolve the cooperative agreement and stand on their own in all three sports.

Superintendent Tom Culver, Avon High School, also spoke to the proposal.

Clarification needs to be made to the definition of an "emergency situation". Chairman Uttermark commented that the definition of an emergency situation will vary between all member schools.

Following further discussion, Superintendent Conaway stated the two schools will begin work to apply for cooperative agreements in the sports of football, girls' basketball, and volleyball effective the 2016-2017 school year at a future SDHSAA Board Meeting.

Chairman Uttermark declared the Board in recess at 12:54 a.m.

Chairman Uttermark declared the Board back in session at 1:16 p.m.

### **Approve second reading of the revised Transgender Procedure**

The Board passed as a first reading a revised Transgender Procedure Policy during their August 27, 2015, meeting of the Board of Directors. The minutes of August 27, 2015, reflect the following revised language relative to the Independent Hearing Officer and the Transgender Application Appeals Process:

Referral to Independent Hearing Officer (IHO): Upon receipt of the Transgender Application (TA) in the SDHSAA office, the Executive Director will refer the application and all necessary documentation to an Independent Hearing Officer (IHO) selected by the Executive Director who will review the submitted information. The IHO shall be a licensed attorney and a member in good standing of the State Bar of South Dakota.

Appeals: If the member school or student making application is aggrieved by the decision of the IHO and desires to appeal such decision, a written notice of appeal may be filed with the Executive Director of the SDHSAA within seven (7) days after receiving notification of the decision of the IHO. All appeals from the IHO will be to the Board of Directors of the SDHSAA. The decision of the Board of Directors shall be final. The Board of Directors will have the authority to investigate the factual situation as per each request and require that additional specified information be submitted. The Board of Directors will hear appeals during their next regularly scheduled meeting.

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

Dr. Maher asked for clarification on IHO, process of declaring transgender, and appeals process for decisions.

Sandy Klatt moved to amend the current policy to allow a provision for re-transition. The motion died for the lack of a second. Following discussion, Sandy Klatt and Dr. Maher directed staff to work with legal advisors to draft verbiage to include a provision which would allow a student to re-transition and revert back to their original gender.

Following further discussion, it was moved by Dr. Bordeaux, seconded by Dr. Maher, to approve as a second reading the revised Transgender Procedure Policy. **See Appendix B at the end of the minutes.**

Linda Whitney feels the current procedure policy provisions are adequate and the wording does not need to be revised.

The motion passed 8-1. Those voting aye were: Dr. Jason Uttermark, Linda Whitney, Steve Morford, Dr. Roger Bordeaux, David Planteen, Bud Postma, Moe Ruesink, and Dr. Brian Maher. Those voting nay were: Sandy Klatt. **See Appendix B at the end of the minutes.**

### **Consider a position statement/resolution on school mascots and ceremonies**

Board Member Dr. Roger Bordeaux requested a discussion, and possible action, relative to the use of Native American mascots, nicknames, symbols, images, and personalities by SDHSAA member schools. For review by the Board of Directors, Dr. Bordeaux provided a power point of Native American mascots which add to the stereotypical Indian imagery, and which can cause harm.

Dr. Bordeaux requested the Board of Directors consider the following resolution:

WHEREAS after numerous empirical studies, personal anecdotes, and recommendations from national organizations and federal programs, it is evident that stereotypical Indian imagery and Indian mascots cause harm, and

WHEREAS one leading study conducted by Dr. Stephanie Fryberg (Stanford University, 2004) determined that stereotypical representations from Indian mascots and Indian imagery of the “leathered and feathered” Indian have a direct negative impact on the self-esteem of American Indian youth, as they restrict the number of ways in which American Indian youth see themselves, and

WHEREAS exposure to such pervasive stereotypical imagery resulted in lower self-esteem, a lower sense of community worth, and decreased views of students’ own potential, and

WHEREAS in 2005, the American Psychological Association (APA) called for the “immediate retirement of all American Indian mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams, and organizations”, and

WHEREAS two years later the American Sociological Association (ASA) also called for the elimination of American Indian names, mascots and logos, and in 2011, the American Counseling Association (ACA) passed a resolution calling upon their members to advocate for the elimination of all stereotypes associated with Indian mascots, and

WHEREAS in October 2015, the White House Initiative on American Indian/Alaska Native Education released a report with recommendations for schools to immediately retire Indian mascots and stereotypical Indian imagery, after findings which confirmed the harm of stereotypical Indian imagery, and

WHEREAS considering all of the aforementioned recommendations, it is very clear that Indian mascots, and any representation of stereotypical Indian imagery not only cause harm to American Indian youth, but moreover, such imagery is not suitable for educational settings which aim to foster healthy psychological development and/or student self-actualization.

THEREFORE BE IT RESOLVED the South Dakota High School Activities Association encourages its membership to consider not using any stereotypical Indian imagery and Indian mascots that cause harm.

Dr. Bordeaux led the discussion with Chairman Uttermark, and others, stating the member schools need to have ample time to review and correspond with their local Boards of Education, as well as with the

SDHSAA Board of Directors, on their thoughts and concerns related to any resolution/action the Board may, or may not, adopt related to this topic.

Following discussion, Chairman Uttermark directed staff to place this item on the agenda for the January 13, 2016, meeting of the Board of Directors for further discussion and possible action.

**2015-2016 Budget Resolution based on per ticket fee, team expenses, official's fees, supplies, awards, and other related tournament expenses.**

Following the conclusion of the 2014-2015 fiscal year, the SDHSAA Board of Directors conducted a review of financial records and statements at their August 2015 meeting. As a result, continuing resolutions to adjust the 2015-2016 SDHSAA budget were proposed, reflecting the additional fees charged to the SDHSAA by the Denny Sanford Premier Center and the Rushmore Plaza Civic Center:

- Line Item 5973 – Combined ‘AA’ Basketball – Arena Rent, Facility fee & Custodial
  - Adjust to \$62,800 from \$44,000
  - Increase reflects changes in per-ticket fee set by Sioux Falls City Ordinance and other fees for billable labor from the Premier Center
- Line Item 6033 – Class ‘A’ Boys Basketball – Arena Rent, Facility fee & Custodial
  - Adjust to \$35,250 from \$22,000
  - Increase reflects changes in per-ticket fee set by Civic Center ticketing vendor and other fees assessed to SDHSAA contractually over the past few years
- Line Items 5993 and 5996 – Combined Wrestling – Tickets/Passes/Box Office/Surcharge and Facility Rent
  - Adjust item 5993 to \$40,000 from \$35,000
  - Adjust item 5996 to \$28,250 from \$7,500
  - Increase reflects per-ticket fee increase that is assessed as both rent and a ticket surcharge per RPCC policy
- Line Item 6343 – Combined Volleyball – Gross Sale Percentage, Custodial Facilities Fee
  - Adjust to \$46,100 from \$30,000
  - Increase reflects per-ticket fees and rental assessed by DSPC
- Line Item 6348 – Combined Volleyball – Tickets & Passes
  - Adjust to \$2,000 from \$15,000
  - Decrease reflects correction to budget moving per-ticket fees to line item 6343 to reflect fees assessed by facility and not printing of passes for coaches/contestants/etc.

In all, these changes reflect an additional \$60,900 in anticipated expenses, or approximately an increase of 2.4% to the overall SDHSAA Budget for the 2015-16 school year. Additionally, corresponding Board of Directors action at the June 2015 meeting in regard to ticket prices ensures that these fees will not cause a deficit to the SDHSAA; rather, the per ticket fees are a reflection of actual expense items from each facility that are contractually required.

It was moved by Dr. Roger Bordeaux, seconded by Moe Ruesink, to adopt the Budget Resolution as presented.

The motion passed 9-0.

**Other business that the Board of Directors and/or membership might wish to consider.****A. Determine upcoming legislative issues:**

Each year the Board has a discussion relative to upcoming legislative issues that may affect the SDHSAA and its member schools. In order to have a discussion relative to legislative issues, the following people were contacted to ask for their assistance in identifying any issues that may arise, or are currently identified, during the 2016 legislative session:

- ASBSD Executive Director, Dr. Wade Pogany,
- Secretary of Education Director of Operations and Information, Mary Stadick Smith,
- Senator Corey Brown of Gettysburg, and
- SDHSAA Legal Counsel, Lindsey Riter-Rapp.

Other than possible transgender related legislation and rule making authority of the SDHSAA, no other issues have been identified prior to the 2016 legislative session getting under way.

**B. Calendar Committee:**

Superintendent Mr. Terry Nebelsick of Huron will serve as the Chair of the SDHSAA Calendar Committee. Other Committee members are:

Superintendents:

Class B—Tom Cameron—White River

Class A—Al Leber—Dakota Valley

Principals:

Class B – Rhonda Gross – Arlington

Class A – Mary Weiss – Hot Springs

Class AA – Bud Gusso – Douglas

Activities Directors:

Class B – Jim Kocer - Scotland

Class A – Todd Palmer – Chamberlain

Class AA – Randy Marso – Brandon Valley

Fine Arts:

Scott Walker – Watertown

Helen Mogen – Chester

Assistant Executive Director Brooks Bowman will be asked to find another fine arts director to serve on the Calendar Committee. Dr. Uttermark and the SDHSAA staff will coordinate the first meeting date of the Calendar Committee.

**Board Sharing**

Linda Whitney shared the first meeting date for the Site Selection Committee will be Monday, December 7, 2015.

**Executive Session—Student Hearing per SDCL 1-25-2.2**

It was moved by Sandy Klatt, seconded by Linda Whitney, to go into executive session at 2:35 p.m. for the purpose of conducting an Appeal Committee Hearing for a student from Pine Ridge High School.

Chairman Uttermark declared the Board out of Executive Session at 4:10 p.m.

It was moved by Sandy Klatt, seconded by Dr. Roger Bordeaux, to reverse the decision of the Appeal Committee.

The motion passed 7-2. Those voting aye were: Dr. Jason Uttermark, Linda Whitney, Sandy Klatt, Steve Morford, Dr. Roger Bordeaux, David Planteen, and Dr. Brian Maher. Those voting nay were: Bud Postma and Moe Ruesink.

**Executive Session—Personnel as per SDCL 1-25-2.4**

It was moved by Linda Whitney, seconded by David Planteen, to go into executive session at 4:22 p.m. to discuss personnel.

Chairman Uttermark declared the Board out of Executive Session at 4:42 p.m.

**Adjournment**

There being no further business to come before the Board, it was moved by Linda Whitney, seconded by David Planteen, to adjourn at 4:43 p.m.

The motion passed 9-0.

Respectfully submitted,

Wayne Carney  
Executive Director

## **CREDIT CARD USE AND ELECTRONIC TRANSACTIONS**

The SDHSAA is committed to using its financial resources wisely. The Board recognizes that credit cards and electronic transactions may provide Association employees with a convenient payment option and may also improve business office efficiency.

**Credit Cards:** The Board authorizes the use of credit card or electronic payment for official Association purchases and acquisitions. The Executive Director is responsible for authorization and control of the use of credit cards, subject to the final SDHSAA Board of Directors approval of payments.

Authorized use of the credit card is limited to the person in whose name the card is issued and may not be loaned to another person.

The credit card is for business-related purposes only. It may not be used for personal purchases. The credit card is Association property and should be used only for authorized Association purchases. The Executive Director/Assistant Executive Directors are authorized to use the credit card when scheduling travel by contest officials, judges, directors or consultants retained by the Association including, but not limited to, lodging and airline tickets. Executive staff members are authorized to use an Association credit card to purchase items online that cannot be reasonably purchased elsewhere or when purchasing or paying for items online results in significant savings. The executive staff is also authorized to use the credit card for prepayment of items/services when required by a vendor or in instances of savings to the Association.

The items listed below are Board authorized purchases. All other credit card purchases require prior approval from the Executive Director.

### **Authorized Credit Card Purchases:**

Office/tournament supplies, computer supplies, utility, and office equipment maintenance, safety equipment or supplies, catering or small dining services, travel expenses such as conference registration fees, lodging, meals, and airline tickets, fuel for Association vehicles, and car rentals (car rentals must be pre-approved by the Executive Director). In addition, credit card purchases are allowable for meals during corporate partner, state event director, legislative, Board of Directors, and administrative meetings.

The card users shall submit charge card receipts to the Comptroller no later than the date established by the Comptroller.

The Comptroller shall audit the charge card receipts, reconcile the charge card statement and process the charges for payment.

Cardholders are not allowed to use the credit card for purchases greater than \$1000 without prior authorization by the Executive Director.

Any cardholder benefits or revenue generated from the use of Association-issued credit or purchase cards shall be for the exclusive use of the Association. Employees shall reimburse the Association for any charges that are disallowed by the SDHSAA Board of Directors.

Executive staff must return the credit card to the Comptroller upon termination, resignation, or being directed to do so by the SDHSAA Board of Directors.

## **SDHSAA Transgender Procedure**

### **Philosophy of Gender Identity Participation:**

In accordance with applicable state and federal laws, rules and regulations, the SDHSAA allows participation for all students regardless of their gender identity or expression in an environment free from discrimination. The procedure outlined in this document is to designate a set of criteria in which student-athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination.

### **Gender Identity Participation:**

All students should have the opportunity to participate in SDHSAA activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. Should any questions arise whether a student's request to participate in a sex-segregated activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation by working through the procedure set forth below: Once a student has been granted eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year.

### **Definitions:**

For the purposes of this policy, the following definition applies:

1. Transgender Person: a person whose gender identity does not match the sex assigned to him or her at birth.
2. Gender Identity: a person's deeply-felt internal sense of one's own gender.
3. Gender Expression: a person's external characteristics and behaviors that are socially defined as either masculine or feminine (dress, speech, mannerisms, social interactions, etc.)

### **Privacy Statement:**

To the extent permitted by law, all discussions and documents at all levels of the process either by a member school and/or the SDHSAA shall be kept confidential, and the proceedings will be sealed unless the student and family make a specific request.

### **Approval Procedure:**

- 1) Notice to School: The student and parent(s)/legal guardian(s) shall contact the administration at their member school notifying them that the student has a consistent gender identity different than listed on the student's school registration records or birth certificate and that the student desires to participate in activities in a manner consistent with his/her gender identity. Gender identity of the student must not be for the purpose of "gaining an unfair competitive advantage."
- 2) Necessary Documentation: The member school should assist in collecting the following information.
  - a. Current transcript and gender identity used for school registration records.
  - b. A written statement from the student and the student's parent(s)/legal guardian(s) affirming the consistent gender identity and expression to which the student self-relates.

- c. Statements from individuals such as, but not limited to parent/legal guardians, friends, and/or teacher, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression. Documentation shall also include accommodations that have been made by the school for the student.
  - d. Gender identity related advantages to the student if participation would be approved.
  - e. Written verification from an appropriate health care professional (i.e. doctor, psychiatrist, psychologist), acting within the scope of his/her licensure, that verifies the existence of the student's consistent and uniform gender identification and expression.
  - f. Any other evidence as may be determined appropriate by the school or the SDHSAA office relative to the eligibility determination which may reflect upon whether the gender identity is sincerely held as part of the person's core identity.
- 3) Notice to SDHSAA: The member school is responsible to determine if the necessary documentation has been procured for the SDHSAA Transgender Application (TA). Once this determination is made by the member school, it shall submit the Transgender Application and all materials and documentation to the SDHSAA for review of the student who intends to participate on a team opposite their birth gender. If the required documentation is not submitted, the SDHSAA will neither accept nor consider the TA application.
  - 4) Referral to Independent Hearing Officer (IHO): Upon receipt of the Transgender Application (TA) in the SDHSAA office, the Executive Director will refer the application and all necessary documentation to an Independent Hearing Officer (IHO) selected by the Executive Director who will review the submitted information. The IHO shall be a licensed attorney and a member of the State Bar of South Dakota in good standing.
  - 5) Upon appointment, the IHO shall notify the district and student involved that each may, within ten (10) days, submit any additional information which they urge is relevant to the issues presented, with a copy to the other party. No additional information will be accepted after this date.
  - 6) In addition to a review of the submitted information, the IHO may review any other information which he or she in their sole discretion may deem necessary to render a decision.
  - 7) Written notification of the decision of the IHO will be rendered through the Office of the Executive Director within seven (7) days following the IHO's decision.
  - 8) Appeals: If the member school or student making application is aggrieved by the decision of the IHO and desires to appeal such decision, a written notice of appeal may be filed with the Executive Director of the SDHSAA within seven (7) days after receiving notification of the decision of the IHO. All appeals from the IHO will be to the Board of Directors of the SDHSAA. The decision of the Board of Directors shall be final. The Board of Directors will have the authority to investigate the factual situation as per each request and require that additional specified information be submitted. The Board of Directors will hear appeals during their next regularly scheduled meeting.  
Written notification of the decision of the Board of Directors will be rendered through the office of the Executive Director within seven (7) days following the Board of Directors hearing.
  - 9) No Annual Renewal Required: Once a student's gender eligibility has been determined by the SDHSAA and that student elects to participate, they will participate in that gender category in all sports, for the remainder of their scholastic/eight semester eligibility in grades 9-12. Annual renewal is not necessary.

Once an affirmative decision is made, the student's eligibility will begin and participation will be granted throughout the duration of the student's high school career, regardless of the member school attendance.