

SECTION J: STUDENTS

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STUDENT GOALS

The student is the focal point of all operations of a school district, consequently, the Board will spend much of its time in study, deliberation, and policy formulation on matters directly related to students.

The Board and staff will work together to establish an environment conducive to the best learning achievements for each student through meeting the following goals regarding students.

1. To tailor the learning program in order to provide appropriately for each student according to their specific background, capabilities, learning styles, interests, and aspirations.
2. To protect and observe the legal rights of students.
3. To enhance the self-image of each student by helping him or her feel respected and worthy through a learning environment that provides positive encouragement through frequent success.
4. To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
5. To deal with students in matters of discipline in a just and constructive manner.
6. To provide for the safety, health, and welfare of students.
7. To promote faithful attendance and good work.

Adopted: May 14, 2007

Review Date: December 10, 2018

EQUAL EDUCATIONAL OPPORTUNITIES

All students of the district will have equal educational opportunities. The Board will not discriminate on the basis of race, color, creed, religion, sex, handicap, economic status, national origin, or ancestry in its policies or programs.

To accomplish this policy on nondiscrimination, the Board will make every effort to provide all students equal access with respect to admission or membership in school-sponsored organizations, clubs, or activities; access to facilities; distribution of funds; academic evaluations; or any other aspect of school-sponsored programs or activities.

The Board recognizes, however, that in implementing this policy children vary widely in capabilities, interests, and social and economic background, and that no two children can be treated exactly alike if the fullest development of each is to be achieved.

State Reference

SDCL 13-28-14	School privileges of persons honorably discharged from military service
SDCL 13-28-5	Public school privileges free to children of legal age
SDCL 13-28-6	Continuation of privileges to pupil becoming twenty-one during school year

Description

Federal Reference

CFR Title 45 Part 81	Practice and procedure for hearings
CFR Title 45 Part 86	Nondiscrimination on the basis of sex in education programs
Public Law 94-142	Education for All Handicapped Children Act of 1975

Description

Policy Reference

AC	NONDISCRIMINATION IN FEDERAL PROGRAMS
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Description

Adopted: May 14, 2007

Review Date: December 10, 2018

COMPULSORY ATTENDANCE AGES

Under South Dakota law, a child who is at least six (6) years old by the first day of September, but who has not exceeded the age of eighteen (18) is of compulsory school age. It is the responsibility of every person having under their control a child between those ages to see to the child's attendance at school until the child has reached the age of eighteen (18), unless excused.

All children shall attend kindergarten prior to age seven. Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

Any person who does not see to the school attendance of a child in their care may be guilty of a misdemeanor and if convicted, may be subject to a fine as established by law.

No student will be denied the right of attending school without due process of law.

SCHOOL-BASED GED PROGRAM

Students enrolled in high school may be eligible for a school-based GED preparatory program if they meet the following criteria:

1. Sixteen or seventeen years of age, and
2. The student must present written permission from the student's parent or guardian and one of the following:
 - Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
 - Authorization from a court services officer;
 - A court order requiring the child to enter the program;
 - Verification that the child is under the direction of the Department of Corrections; or
 - Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

State Reference

SDCL 13-27-1	Responsibility for school attendance
SDCL 13-27-11	Failure to send child to school
SDCL 13-27-12	Enforcement powers and duty of secretary
SDCL 13-27-16	Warnings by school board
SDCL 13-27-2	Attendance excused by school board
SDCL 13-32-4.1	Attendance policy

Description

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

STUDENTS ALTERNATIVE INSTRUCTION

Children of compulsory school age must regularly attend some public or non-public school, unless excused from school attendance. Upon filing of a notification with a school official from the parent or guardian of the child because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics, the child shall be excused, without the necessity of school board action. The secretary of the Department of Education may inspect the attendance records and records showing academic progress of an alternative education program with fourteen days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. Failure to provide instruction is grounds for the school board, upon thirty days' notice, to revoke the excuse from school attendance.

The notification of alternative instruction must be submitted on the SD DOE notification form and filed annually with the school district.

State Reference

SDCL 13-27-1

SDCL 13-27-2

SDCL 13-27-29

SDCL 13-27-3

SDCL 13-27-7

SDCL 13-27-8

SDCL 13-27-9

Description

Responsibility for school attendance

Attendance excused by school board

Placement of child who has attended unaccredited school or alternative program

Child excused if provided alternative instruction

Applications for excuse from attendance

Appeal on attendance matters to state board

Record of certificates of excuse from attendance

Policy Reference

JEC

JECAA

JECB

Description

SCHOOL ADMISSIONS

STUDENTS ENROLLING FROM ALTERNATIVE INSTRUCTION AND UNACCREDITED SCHOOLS

OPEN ENROLLMENT

Adopted: May 14, 2007

Revise Date: March 9, 2015

Reviewed: December 10, 2018

ENTRANCE AGE

KINDERGARTEN

All children entering kindergarten for the first time must be five (5) years of age on or before September 1.

When a child has been enrolled in kindergarten prior to moving to the district and does not meet South Dakota entrance age requirements, a conference involving the building principal, the teacher, and the parent will be held. The parent will be informed that the child will be placed in kindergarten on a trial basis until such time as the principal and teacher can determine whether the welfare of the child can best be served by retaining him or her in school or by withholding admission until the following school year. In most cases, the trial period will not exceed two or three weeks.

FIRST GRADE

All children entering first grade must be six (6) years of age before September 1. A parent may request a waiver of compulsory attendance requirement under the age of seven years of age. First grade transfer students who do not meet state age requirements will be handled in the same manner as the kindergarten students. A student not yet prepared for first grade may be placed in kindergarten.

Proof of birth date will be required, by submitting a certified copy of the child's birth certificate or affidavit. The school will make a copy of the original and place it in the school files.

State Reference

SDCL 13-27-1

SDCL 13-27-3.1

SDCL 13-28-2

Description

Responsibility for school attendance

Birth certificate or affidavit to be submitted

Kindergarten enrollment eligibility

Adopted: May 14, 2007

Review Date: December 10, 2018

SCHOOL ADMISSIONS

In accordance with state law, all persons over five (5) years old by September 1st and under twenty-one (21) years of age and all veterans (except dishonorably discharged veterans) who are residents of the district will be eligible to attend public schools free of charge, if they have not already received a high school diploma.

Upon registration, all new students will be required to present:

1. Proof of date of birth through a birth certificate or affidavit in lieu of birth certificate.
2. Record of immunizations and a health certificate from a licensed physician.
3. Proof of residency, if requested.

State Reference

<u>State Reference</u>	<u>Description</u>
SDCL 13-27-1	Responsibility for school attendance
SDCL 13-27-1.1	Religious exemption after eighth grade
SDCL 13-27-29	Placement of child who has attended unaccredited school or alternative program
SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-27-3.1	Birth certificate or affidavit to be submitted
SDCL 13-27-7	Applications for excuse from attendance
SDCL 13-27-8	Appeal on attendance matters to state board
SDCL 13-27-9	Record of certificates of excuse from attendance
SDCL 13-28-14	School privileges of persons honorably discharged from military service
SDCL 13-28-21	Admission of nonresident students
SDCL 13-28-5	Public school privileges free to children of legal age
SDCL 13-28-7.1	Tests and immunizations for communicable diseases

Policy Reference

<u>Policy Reference</u>	<u>Description</u>
JEAA	STUDENTS ALTERNATIVE INSTRUCTION
JECAA	STUDENTS ENROLLING FROM ALTERNATIVE INSTRUCTION AND UNACCREDITED SCHOOLS
JECB	OPEN ENROLLMENT
JHCA	PHYSICAL EXAMINATIONS AND INOCULATIONS OF STUDENTS

Adopted: May 14, 2007

Review Date: December 10, 2018

ADMISSION OF RESIDENT STUDENTS

The legal residence of a student, for the purpose of claiming free school privileges under the South Dakota Constitution will mean the legal residence or domicile of the student's parents or legal guardian.

The parents or legal guardian may not establish residency in a district for the sole purpose of obtaining free schooling in that district.

A child's school residence may not change during the school fiscal year unless the child ceases to be enrolled in the school of the district.

When a child is residing in a foster home on a permanent or temporary basis, the child has school residence in the district where the foster home is located.

<u>State Reference</u>	<u>Description</u>
SDCL 13-28-10	School residency of child
SDCL 13-28-9	School residence for free school privileges

Adopted: May 14, 2007

Review Date: December 10, 2018

ADMISSION OF NEW RESIDENTS AND STUDENTS FROM UNACCREDITED SCHOOLS

An elementary aged child who has been attending an unaccredited school in another state or country or has been receiving alternative instruction and seeks to enroll in the District shall be placed at the child's demonstrated level of proficiency as established by the standardized test administered to enrolled students in that grade in this District. Such child's placement may not be in a grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his or her demonstrated performance.

A child of secondary school age who has been attending an unaccredited school in another state or country or has been receiving alternative instruction who seeks to enroll in the District shall be placed in English and math at the level of achievement demonstrated by standardized tests administered to enrolled students of that age, and in all other subjects on a review of transcripts according to this policy. The child's placement may not be in a grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his/her demonstrated performance.

Procedures for determining units of credit for high school age students who have attended an unaccredited school or alternative program:

1. The principal shall appoint a credit review committee consisting of the high school staff deemed appropriate, and the parents or guardians. The purpose of the credit review committee is to make recommendations to the principal regarding which high school credits should be awarded to the applicant for work completed in the unaccredited school or alternative instruction program.
2. The credit review committee shall ensure that the student enrolling has completed at least one standardized achievement test in the areas of English and Math selected by and administered by the school district.
3. The credit review committee shall recommend to the principal units of credit for English and Mathematics based on the student's composite Subtest achievement scores in Reading (English) and Mathematics as deemed appropriate by the committee.
4. The credit review committee shall recommend to the principal units of credit for subjects other than English and Mathematics based upon factors, including but not limited to the following: classes taken, transcripts, class or course syllabus for each course taken, and District approved minimum competency tests in particular subject areas.
5. Should there not be a consensus within the credit review committee, the committee shall submit to the principal the differing recommendations and the rationale for each recommendation given.
6. Upon receipt of the credit review committee recommendations, the principal shall determine which credits are to be applied for purposes of grade and class placement and toward graduation credits.
7. All students who have attended an unaccredited school or alternative program and enrolling in the District shall be required to meet District graduation requirements before being issued a diploma.
8. Any parent or guardian who is dissatisfied with the secondary placement by the principal of the child may appeal it to the secretary of the Department of Education.

The following procedure shall be used to address an appeal of the Principal's decision.

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.

The Superintendent's decision may be appealed by the Complainant to the Secretary of Education within (10) ten calendar days of receipt of the Superintendent's written decision.

State Reference

SDCL 13-27-1

SDCL 13-27-29

SDCL 13-27-3

SDCL 13-28-21

Description

Responsibility for school attendance

Placement of child who has attended unaccredited school or alternative program

Child excused if provided alternative instruction

Admission of nonresident students

Policy Reference

JEAA

JEC

Description

STUDENTS ALTERNATIVE INSTRUCTION

SCHOOL ADMISSIONS

Adopted: May 14, 2007

Review Date: December 10, 2018

TRANSFER FROM AN ACCREDITED SCHOOL

Grade placement shall be the responsibility of the principal. Students transferring into the system from accredited schools will be placed in the same grade level as in the school from which they transferred.

Upon recommendation of the Superintendent, the Board may award credit for promotion and/or graduation through the results of proficiency testing, correspondence courses, and other educational endeavors during the regular school year which are not within the school curriculum. In awarding credit, the course or program must be pre-approved by the Principal, Superintendent and Board.

The District shall accept transfer credits earned by a student outside the regular school year for any course taken by the student from another school accredited by the South Dakota Department of Education.

The District shall accept the transfer credits only if the parents or emancipated student notifies the high school principal in writing, prior to taking the course(s) for which credit is to be received. The notification must include the student's name, the starting and ending dates for each course to be taken, the school accredited by the South Dakota Department of Education from which the course is to be taken, and provide documented verification of enrollment or registration for the course. The course syllabus must be attached to the notification.

If the school fails to receive such prior written notice, the school shall refuse to accept the credits.

If, upon review of the coursework for which transfer credit is sought, the principal determines that the course rigor is not sufficient to meet the graduation requirements established by the South Dakota Board of Education or by the District, the transfer credits earned by the student for the course will count as elective credits, but the course will not count as a course required for graduation.

If the principal determines that the credit(s) do not meet graduation requirements, the principal shall notify the student in writing and explain the reason for that determination and to cite the provisions of formally adopted school policy that apply.

The following procedure shall be used to address an appeal of the Principal's decision.

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.
4. The Superintendent's decision may be appealed by the Complainant to the School Board within (10) ten calendar days of receipt of the Superintendent's written decision.

The following procedure shall be used to address an appeal of the Superintendent's decision.

1. An appeal to the School Board shall be in writing. The Complainant must attach the complaint, the Principal's written decision if a decision was rendered, the appeal to the Superintendent, the response to the appeal, and the Superintendent's decision.
2. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within ten (10) calendar days of Complainant's receipt of the Superintendent's written decision.
3. The School Board shall schedule a date, time and location for the appeal hearing.

State Reference

SDCL 13-33-30

Description

Schools required to accept transfer credits

Policy Reference

IGC

Description

EXTENDED INSTRUCTIONAL PROGRAMS

Adopted Date:

Reviewed: December 10, 2018

OPEN ENROLLMENT

State law provides nonresident parents and students an opportunity to apply for enrollment within the District. It also allows resident parents and students an opportunity to apply for enrollment in an attendance center within the District other than that to which the student has been assigned.

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides in another school district (i.e., nonresident student), and who wishes to enroll the student in the District, or the parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides within the District and wishes to enroll the student at an attendance center within the District other than that to which the student has been assigned, must apply to open enroll in the School District.

1. Nonresident student open enrollment: The District shall grant a request for a transfer into the district of a child who is a resident of another school district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
2. Nonresident alternative instruction student open enrollment: The District shall grant a request to admit into the district a child who is a resident of another school district and who is receiving alternative instruction in the resident district pursuant to law, unless admitting the nonresident child would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
3. Resident student open enrollment to different attendance center: The District shall grant a request from a resident of the District for a student transfer to an attendance center within the District other than that to which the student has been assigned unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

A copy of this policy will be provided to parents, guardians and emancipated students who wish to submit an open enrollment application. It shall also be provided to any other interested person upon request.

A. GENERAL RULES:

1. Transfers from another school district into the District may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If the District approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If the District approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. The deadlines for transfer do not apply if:
 - a) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
 - b) A student enrolls in a school district after the deadline in either semester; or
 - c) The District's Superintendent determines that special circumstances exist and allows a student to transfer into the District after the deadline.
2. All nonresident requests for open enrollment into the District must be submitted to the District's Superintendent on the official application form provided by the South Dakota Department of Education.
3. Nonresident student open enrollment applications to attend school within the District will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the District, that student's application shall take priority over all other applications.
4. The Superintendent shall either approve or deny the application for open enrollment. A decision of the Superintendent to deny an open enrollment application may be appealed to the School Board. A decision of the School Board to deny student's application for open enrollment may be appealed to the circuit court pursuant to State Law. (a)
5. Decisions to accept or reject open enrollment applications will be based on the criteria listed in "Open Enrollment Application Standards" (Section C).
6. The applicant and the resident school board will be notified within five days of the decision.
7. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the District's Superintendent.
8. Once approved by the District, the approved application serves as the applicant's notice of intent to enroll in the District and obligates the student to attend school within the District during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district. A decision by either school board to deny a request to return to the resident school district may be appealed to circuit court pursuant to law.
9. Once enrolled under open enrollment in the District, the student may remain enrolled and is not required to resubmit annual applications.

10. If, after the conclusion of a school year, a student who is open-enrolled into the District wishes to return to the student's resident school district or assigned school, the student's parent or legal guardian shall, or the student (if the student is emancipated) shall, on forms provided by the Department of Education, notify the affected school board or boards of the student's intent to return to the resident school district or previously assigned school. The affected school board or boards must receive written notice of the student's intent to re-enroll in the resident school district or previously assigned school no later than August first. However, if the affected school board or boards determine that special circumstances exist, a student may be allowed to transfer to the student's resident school district or assigned school after the deadline.
11. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement. (b)
12. The District shall accept credits for any course completed in any other accredited school district but shall award a diploma to a nonresident student only if the student satisfactorily meets the District's graduation requirements.
13. If two or more nonresident students from the same family, residing in the same household, request open enrollment into the District, all requests from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. However, if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment.
14. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed. (c)
15. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

B. RESIDENT STUDENT TRANSFERS:

The provisions of this policy apply to resident student transfers (applications to attend an attendance center different than that to which the student is assigned) except as modified below:

1. Resident student open enrollment applications to attend an attendance center within the District other than that to which the student has been assigned will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the attendance center to which the applicant is wishing to enroll, that student's application shall take priority over all other applications.
2. If a student is transferred from one attendance center to another attendance center within the District at the request of the student's parent or guardian, the District shall not provide transportation services to the student. (d)

C. OPEN ENROLLMENT APPLICATION STANDARDS: (e)

The following standards will be used to accept or reject nonresident student open enrollment applications to enroll within the District and resident student applications to attend an attendance center within the District other than that to which the student was assigned:

Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only and actual class sizes may be greater than the capacity listed below because of students residing within the school district and school attendance center area.

- Kindergarten through grades five: The student to teacher ratio shall not exceed ____ students in each grade as a result of open enrollment.
- Grade six through grade eight: The student to teacher ratio for core classes may not exceed ____ students in each grade as a result of open enrollment.
- Grade nine through grade twelve: Enrollment may not exceed attendance center building capacity.
- An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
- Open enrollment of a special education student will not be approved if the students cannot be accommodated at current staffing levels or the program is at capacity.

D. OPEN ENROLLMENT OF SPECIAL EDUCATION STUDENTS:

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the School District determines that the

district can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs. If the request to transfer is granted, the district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the district shall provide or ensure the provision of transportation within the boundaries of the District.

2. If the District is not able to confirm that the District can provide an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District shall initiate an individual education program team meeting consisting of representatives from the District, the resident school district and the parents or guardians, to determine whether the District can provide an appropriate instructional program, facilities, and transportation necessary.
3. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to the "Open Enrollment Application Standards" (Section C) or if the individual education program team as set forth in "Open Enrollment of Special Education Students" (Section D.2.) determines that the District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
4. If a parent or guardian of a student in need of special education or special education and related services request to transfer the student back to the resident district, the affected school boards must agree in writing to allow the student to transfer back to the resident district or unless the parents, guardian, or emancipated student change residence to another district.
5. If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for the special education student(s), the applications shall be approved subject to consideration of the Open Enrollment Application Standards (Section C). However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the individual special education student(s).
6. If it is determined that a parent or guardian of a student, or an emancipated student, in need of special education or special education and related services submitted a request for an open enrollment transfer, but did not indicate on the application that the student has an IEP and needs special education services, as required on the form, any approval by the District of the open enrollment transfer application will be deemed void.

Notes:

(a) SDCL 13-28-43 says the School Board or the Board's designee may approve or disapprove the application. ASBSD recommends that the Superintendent be designated by the Board as most school boards meet only once a month on the second Monday of the month.

b) For nonresident open enrollments, SDCL 13-28-45 states that the parents/guardians are responsible for transportation, without reimbursement, of the student but the District may provide the transportation, and if provided, the District may charge a reasonable fee if the student uses District provided transportation. SDCL 13-28-45 also says school boards of both the receiving school district and the resident school district must annually approve the pick-up locations for those students within any incorporated municipality but this requirement does not apply to any school district defined as a sparse school district pursuant to § 13-13-78.

(c) SDCL 13-32-4.3 states that if a student is under suspension or expulsion in a South Dakota school district, the student may not enroll in any other school district until the suspension or expulsion has expired, and also that the superintendent of a school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state.

(d) SDCL 13-28-41.1. School district not required to provide transportation to student transferred within district. If a student is transferred from one school to another school within a school district at the request of the student's parent or guardian, notwithstanding any other provision of law, the school district is not required to provide transportation services to the student.

(e) SDCL 13-28-44 states that "Standards shall be limited to the capacity of a program, class, grade level, and school building operated by the board and the pupil/teacher ratio. Discrimination based on race, gender, religious affiliation, or disability is prohibited" a school board may or may not want to have capacity of the program, class or grade level specifically identified in the school district policy

State Reference

SDCL 13-28-40

SDCL 13-28-41

Description

Enrollment options program established

Request for transfer

SDCL 13-28-41.1	School district not required to provide transportation
SDCL 13-28-42.1	Transfer of special education students
SDCL 13-28-43	Enrollment of student in other than resident district
SDCL 13-28-44	Standards for acceptance or rejection
SDCL 13-28-45	Transportation of transfer student
SDCL 13-28-46	Transfer credits
SDCL 13-28-47	Disclosure
SDCL 13-28-47.1	Return of student to resident school district

SDCL 13-28-48	Nonresident district must serve student's grade level within district
SDCL 13-32-4.3	Effect of suspension or expulsion on enrollment
SDCL 13-46	Appeals in school matters

Policy Reference

IGBA
JEAA
JEC
JECC
LB

Description

PROGRAMS FOR HANDICAPPED CHILDREN
STUDENTS ALTERNATIVE INSTRUCTION
SCHOOL ADMISSIONS
ASSIGNMENT OF STUDENTS TO SCHOOLS
RELATION WITH OTHER SCHOOLS AND SCHOOL DISTRICTS

Adopted: May 14, 2007
Revised: March 9, 2015
Reviewed: December 10, 2018
Revised: November 9, 2020

FOREIGN EXCHANGE STUDENTS

Foreign students must meet all district entrance requirements (i.e., age, place of residence, immunization). International students will be able to participate in a foreign exchange program approved by the school board.

Proper I-20 forms (US Department of Homeland Security documents) and any other required papers must be processed by the district, the student, and the sponsoring organization before an international student can be formally admitted to school. The school board reserves the right to limit the number of foreign exchange students, require a proficiency level of English, and limit participation to grades 11 and 12 in order to insure the continued quality of educational programming in the school district.

State Reference

SDCL 13-27-3.1

SDCL 13-28-10

SDCL 13-28-5

SDCL 13-28-7.1

SDCL 13-28-9

Description

Birth certificate or affidavit to be submitted

School residency of child

Public school privileges free to children of legal age

Tests and immunizations for communicable diseases

School residence for free school privileges

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

ASSIGNMENT OF STUDENTS TO SCHOOLS

The Board seeks to provide enrollment options that meet the diverse needs and interests of district students. In assigning students to the district's schools, the Board will, to the best of its ability, provide equal educational facilities, abide by parental wishes, and consider the best interests of all students.

The board's authority to offer enrollment options extends to residents of the district as well as non-district residents applying under South Dakota's open enrollment laws.

The Superintendent, or designee, shall establish procedures for the selection and transfer of students among schools in accordance with law, board policy, and administrative recommendation.

State Reference

SDCL 13-27-2	Attendance excused by school board
SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-28-15	Assignment of elementary students within district
SDCL 13-28-19	Assignment of students by school board
SDCL 13-28-40	Enrollment options program established
SDCL 13-28-41	Request for transfer
SDCL 13-28-41.1	School district not required to provide transportation
SDCL 13-28-42.1	Transfer of special education students
SDCL 13-28-43	Enrollment of student in other than resident district
SDCL 13-28-44	Standards for acceptance or rejection
SDCL 13-28-45	Transportation of transfer student
SDCL 13-28-46	Transfer credits
SDCL 13-28-47	Disclosure
SDCL 13-28-48	Nonresident district must serve student's grade level within district

Description

Policy Reference

JECCB	OPEN ENROLLMENT
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Description

Adopted: May 14, 2007
 Revised Date: March 9, 2015
 Reviewed: December 10, 2018

STUDENT WITHDRAWAL FROM SCHOOL

Student withdrawal from school may be classified into two categories: Those who transfer to another school system, either public or private, and those who withdraw from permanent attendance at any school (dropouts).

If a student wishes to withdraw from school to transfer to another school district he should see the principal who will instruct him as to procedure. When transferring to another school, a student should make arrangements with the office to forward credits to the proper school. All outstanding obligations to the school the student is currently enrolled in must be satisfied before credits can be transferred.

The Board is very concerned about those students who may permanently withdraw from school. The Board believes a high school diploma signifies the minimum preparation for life. Consequently, students who withdraw from school may have less than a minimum preparation. Therefore, the Board strongly urges every teacher, guidance counselor, principal, parent, guardian and citizen to exert all influence to keep all students in school through high school graduation.

The instructional staff should be alert to potential dropouts and do everything possible to give the necessary guidance to such students. The regular school program should be organized and modified to suit the student's needs and aspirations. Conferences with parents may be necessary. All students should be asked to notify the principal before withdrawing. The school should keep in contact with students who have withdrawn.

Students who are 18 years of age, and who have parent/guardian written approval to withdraw, may withdraw from school. Each student will be informed of his or her right to be readmitted to school upon request.

Students seeking re-admittance to the district schools will be permitted to re-enroll at the beginning of established semesters, and will be required to provide notification of their intent to re-enroll one week prior to the start of a semester.

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

EDUCATION OF STUDENTS IN FOSTER CARE

Policy Statement: Children in foster care are often a vulnerable and highly mobile student population. Children in foster care typically make more unscheduled school changes than their peers in a given school year. Compared to their peers, students in foster care experience lower high school graduation rates, lower scores on academic assessments, and higher rates of grade retention, chronic absenteeism, suspensions, and expulsions.

It is therefore the policy of the District that children currently enrolled in the District remain as students in the District while in foster care unless there is a determination that it is not in the student's best interest to continue to attend school in the District. It is also the policy of the District that a nonresident student placed in foster care located within the District shall be immediately enrolled in the District if it's not in the child's best interest to stay in the student's district of residence, even if the student is unable to produce records normally required for enrollment.

Definition of Foster Care: Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility, and includes placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the State, Tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Notification to the District. The Department of Social Services, Division of Child Protection Services (CPS) will notify the District within one school day when a student has been placed into foster care or has a change in his or her living arrangements. The CPS will also inform if placement could result in a change to the student's school. The District will immediately update the student's foster care status in the student database.

Best Interest. The best interest determination must be based on multiple student-centered factors, including but not limited to appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. The District and the Department of Social Services, Division of Child Protection Services (CPS) will collaborate to develop a joint process for making best interest determinations. The student will remain in his or her school of origin until the District and CPS make a best interest determination. CPS and the District will make a best interest determination within five school days of the student's foster care placement, except in emergency removal situations. CPS and the District will document the decision and next steps. Transportation costs should not be a factor. The District and CPS shall consult the student, if appropriate, and adults who have meaningful relationships with child. If the District and CPS cannot agree on what is in the best interest of the student, the ultimate decision resides with the CPS. To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves.

Immediate Enrollment of Child Placed in Foster Care. If it is not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school and eligible to attend classes and receive appropriate academic services even if the student is unable to produce records normally required for enrollment. The enrolling school shall the day of enrollment contact the school last attended to obtain relevant academic and other records and the school of origin is to send the student's records within one school day. CPS will provide the new school with as much information as possible about the student (such as age, grade and academic history) to ensure appropriate support and placement until the school receives relevant records from the school of origin. If the enrolling school does not know the student's grade, it can give grade-level assessments to determine a student's placement until the school receives relevant records. The new school will provide the student appropriate credit for full or partial coursework satisfactorily completed while attending prior school(s).

Transportation. If the District and CPS determine the child should stay in the District, the District and CPS will develop and implement a plan to provide, arrange and fund transportation within five school days of the best interest determination. If the District is the school of origin and there are additional costs incurred in providing transportation, the District will provide transportation if PCS agrees to reimburse the District, if the District agrees to pay the cost, or if the District and local CPS agree to share the cost. The District and CPS will arrange interim transportation until permanent transportation plans are in place.

Point of Contact: The Board shall designate a Point of Contact (POC) for CPS and inform CPS of the person designated. The POC shall be responsibilities for coordinating with local CPS to develop a process for implementation of Every Student Succeeds Act (ESSA) provisions and shall have the capacity and resources to guide the implementation of the ESSA provisions.

DISPUTE RESOLUTION PROCESS

Disputes between the district and the student's caregiver/education decision-maker:

Level I.

The student's caregiver or education decision-maker may dispute the district's best interest determination, transportation decision, or the provision of any other education-related service for a student in foster care. They may do so by providing the District or the District's Foster Care Point of Contact (POC) with written notice of the dispute within fourteen (14) calendar days of receiving notice of the district's determination (e.g., that the district intends to enroll the student in a school other than the school of origin or the school requested by the caregiver or the education decision-maker).

The notice of dispute, if provided to the district, will be immediately forwarded to the Foster Care POC, or if that person is unavailable, another designee. The POC will log receipt of the notice (including the date and time), and then forward a copy of this documentation to their immediate supervisor and the superintendent or designee. The Liaison will make a decision on the dispute within seven (7) calendar days of receipt and inform the caregiver or educational decision-maker in writing of the result. The following documents will be included with the decision in an "appeals package":

- A copy of the original notice of dispute;
- Any additional information from the caregiver or educational decision-maker and/or foster care liaison; and
- Instructions on appealing the decision to Level II. The liaison will verify receipt of the written decision by the caregiver or education decision-maker.

Level II.

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he or she may appeal the decision to the Superintendent or his/her designee. He or she may do so by providing the Superintendent's office with a copy of the Level I appeals package within fourteen (14) calendar days of their receipt of the Level I decision.

Within seven (7) calendar days of the notification to the district that the caregiver or education decision-maker intends to appeal, the Superintendent or designee will arrange to meet within a reasonably expeditious time period either in-person or through phone/video conference with the student's caregiver or educational decision-maker, the student if appropriate, and at least one representative from CPS. If it is not possible for the CPS representative to be present within a reasonable time, the Superintendent or designee will document their efforts to include the representative and proceed with the conference.

Within seven (7) calendar days of the conference, the Superintendent or designee will provide the caregiver or educational decision-maker with a written decision, supporting evidence, reasons for the decision and an appeals package that includes:

- A copy of the initial dispute filed at Level I and the Level I decision;
- The Level II decision rendered by the Superintendent or designee;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;
- Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute.

The District's Foster Care POC will also be provided a copy of the Level II decision and appeals package. The POC will be responsible for verifying receipt of the decision and appeals package by the caregiver or educational decision-maker.

Level III.

If the caregiver or education decision-maker disagrees with the decision of Superintendent or designee, he or she may appeal the decision by notifying the district's foster care liaison within fourteen (14) calendar days of receipt of the Level II decision of their intent to file a Level III appeal. The Superintendent or designee will forward all written and electronic documentation to the South Dakota Department of Education State Foster Care Liaison within seven (7) calendar days of receiving notification of the caregiver or education decision-maker's intent to file a Level III appeal.

Disputes between the district and the child welfare agency. In the event that the district and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a

student in foster care (e.g., failure to collaborate, transportation reimbursements, data sharing, records release policies), either party may forward the dispute in writing to the South Dakota Department of Education State Foster.

Policy Reference

AC
JECA
JFB

Description

NONDISCRIMINATION IN FEDERAL PROGRAMS
ADMISSION OF RESIDENT STUDENTS
EDUCATION OF HOMELESS CHILDREN

Adopted: December 10, 2018
Revised: November 9, 2020

STUDENT ABSENCES AND EXCUSES

A student's contribution to and achievement in class are directly related to attendance. Both students and parents must understand that students miss a vital portion of their education when they are absent from school.

While it is true that written work can be completed for make-up, class instruction or presentations, discussions, some audio-visual presentation, or student-teacher interaction can never be made up.

Certain absences of students will be excused by the principal on receipt of a written, signed explanation from the parent or guardian. These absences will include:

1. Illness or quarantine.
2. Bereavement or serious illness in family.
3. Weather so inclement as to endanger the health of the child.
4. For observance of major religious holidays

A child may also be excused for other exceptional reasons with approval of the school administrator. Also with such approval, students, may be excused from school attendance for up to five (5) days each term for attendance at a state or nationally recognized youth program of educational value.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable. Any absences other than excused absence is considered truancy.

State Reference

SDCL 13-27-6

SDCL 13-27-6.1

SDCL 13-27-7

SDCL 13-27-8

SDCL 13-27-9

Description

Child excused because of illness in family

Student excused from attendance

Applications for excuse from attendance

Appeal on attendance matters to state board

Record of certificates of excuse from attendance

Adopted: May 14, 2007

Review Date: December 10, 2018

TRUANCY

Through cooperation with parents, strict adherence to regulations in regard to tardiness and unexcused absence, and diligence in investigating the causes of absence, the Board will endeavor to reduce tardiness and truancy.

The district truancy officer will be responsible for enforcing the compulsory attendance laws which require regular attendance, provide for penalties if parents and guardians do not carry out their responsibilities, and establish procedures for referral of a truant student to juvenile authorities.

The district truancy officer shall make and file truancy complaints, and any teacher, school officer or any citizen may make and file a truancy complaint before the circuit court judge.

<u>State Reference</u>	<u>Description</u>
SDCL 13-27-14	Truancy officer employed by district
SDCL 13-27-16	Warnings by school board
SDCL 13-27-18	Neglect of duty
SDCL 13-27-19	Power of truancy officers to apprehend truant children
SDCL 13-27-20	Complaints against persons responsible for truancy
SDCL 13-27-21	Warrant for arrest
SDCL 26-7A- (10,11,126,127,128,129)	Juvenile Court

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

STUDENT DISMISSAL

No student may be dismissed from school before the regular time of dismissal at the request of, or in company of, anyone other than a school employee or the parent of the student unless the permission of the parent has been first secured.

If a policeman or court official requires the dismissal of a student during school hours, he/she must have a warrant or written authorization by the parents before the student is dismissed. Should a student be removed from the school by a law enforcement officer or court official, pursuant to a warrant, the administration will immediately contact the student's parent.

When a student participant has traveled to an out of district event with the coach/advisor and other students, the student shall be allowed to leave following the event with the parent/guardian, or the parent/guardian's designee, provided that the parent/guardian has personally verbally communicated with the coach/advisor prior to the student being allowed to leave with the parent/guardian/designee. Written authorization to release the student to the parent/guardian/designee after the event will not be accepted. In no case shall school personnel authorize the release of a student to any person whom school personnel have reasonable cause to believe the person is under the influence of alcohol or another substance, and school personnel are authorized to contact law enforcement should the need arise to do so.

Adopted: May 14, 2007

Review Date: December 10, 2018

Revised Date: November 9, 2020

STUDENT ATTENDANCE ACCOUNTING

The Board recognizes the importance of student accounting. Accurate information regarding the whereabouts of school-age children, both public and private, is essential to the operation of the school district.

As required by state law, the superintendent will be responsible for an accurate record of the attendance or nonattendance of all students who should be enrolled in school. The school district truancy officer will also keep a record of all those children who are required by law to be enrolled in school and who do not attend, or whose attendance is irregular.

State Reference

SDCL 13-27-15

SDCL 13-27-17

SDCL 13-27-9

Description

Attendance records maintained

Investigations and records of truancy officer

Record of certificates of excuse from attendance

Adopted: May 14, 2007

Review Date: March 9, 2015

Reviewed: December 10, 2018

RELEASE TIME FOR RELIGIOUS PRACTICE

The Board will permit students, with the written consent of their parents, to receive moral or religious instruction at a suitable place away from the school, as designated by the religious group.

Students will be excused from school for such purposes no more than one hour per week.

The superintendent is instructed to establish regulations, governing the attendance of students and their reporting for such instruction.

Students enrolled in the district normally will not be released from school for private instruction in music, gymnastics, or other activity. The discretion of the building principal, however, may be exercised in unique or unusual circumstances.

State Reference

SDCL 13-33-10

Description

Released time for religious instruction

Adopted Date: October 13, 2008

Revised Date: March 9, 2015

Reviewed: December 10, 2018

SENIOR PRIVILEGES

As part of a developing plan to encourage independent study and self responsibility, the Board approves as policy the practice of permitting high school seniors released time from school.

The Board authorizes the Superintendent to develop criteria for granting privileges to high school seniors. The criteria shall contain minimum standards for granting these privileges, shall delineate the types of privileges that may be granted, and shall delineate the terms under which privileges may be revoked.

Adopted: March 9, 2015

Reviewed: December 10, 2018

EXEMPTIONS FROM SCHOOL ATTENDANCE

ALTERNATIVE EDUCATION (Home School): State law and District Policy JEAA provide that students of compulsory school age shall be excused from attendance when the child is provided with competent alternative instruction for a like period of time as would be provided by the public schools. The exemption from school is effective upon filing an application with the school superintendent and without the necessity of board action.

The Board may revoke a certificate of excuse, if, upon inspection by the Secretary of Education, it is shown that the student is not being taught in compliance with the standards of state law.

GED PROGRAM: Students aged 16 years of age or older will be exempt from compulsory attendance provided they are enrolled in and participating in a school-based or school contracted Graduate Equivalency Degree (GED) program . The student must present written permission from the student's parent or guardian and meets one or more of the following five conditions:

1. Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
2. Authorization from a court services officer;
3. A court order requiring the child to enter the program;
4. Verification that the child is under the direction of the Department of Corrections; OR
5. Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended January 1, 2009.

RELIGIOUS EXEMPTION AFTER EIGHTH GRADE: A child of compulsory school age who has successfully completed the first eight grades is excused from compulsory school attendance if:

1. The child or the parents of the child are members of a recognized church or religious denomination that objects to the regular public high school education; and
2. The recognized church or religious denomination either individually or in cooperation with another recognized church or religious denomination provides a regularly supervised program of instruction in which each child participates in learning activities appropriate to the adult occupation that the child is likely to assume in later years.

STUDENT EXCUSED BECAUSE OF ILLNESS IN FAMILY: The School Board may excuse a child from school attendance because of serious illness in his immediate family, making his presence at home an actual necessity, or his presence in school a menace to the health of other pupils. The School Board may require the submission of medical evidence as a condition of granting an excuse pursuant to this section.

STUDENT EXCUSED TO ATTEND STATE OR NATIONALLY RECOGNIZED YOUTH EVENTS, AND WORK AS PRECINCT ELECTION OFFICIAL: A student is eligible to be counted for school attendance up to five days in a school term if an excuse from actual school attendance is requested by a parent or guardian for the purpose of attending events of state or nationally recognized youth programs of educational value or for the purpose of working as a precinct election official if the student is at least eighteen years old.

<u>State Reference</u>	<u>Description</u>
SDCL 13-27-1.1	Religious exemption after eighth grade
SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-27-6	Child excused because of illness in family
SDCL 13-27-6.1	Student excused from attendance
SDCL 13-27-7	Applications for excuse from attendance
SDCL 13-27-8	Appeal on attendance matters to state board
SDCL 13-27-9	Record of certificates of excuse from attendance

<u>Policy Reference</u>	<u>Description</u>
JEA	COMPULSORY ATTENDANCE AGES
JEAA	STUDENTS ALTERNATIVE INSTRUCTION
JEC	SCHOOL ADMISSIONS
JED	STUDENT ABSENCES AND EXCUSES

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

Revised Date: November 9, 2020

STUDENT RIGHTS AND RESPONSIBILITIES

The Board recognizes that it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered all persons under the federal/state constitutions and statues. In connection with rights are responsibilities that must be assumed by students.

Students are responsible for the way they exercise their rights, and must accept the consequences of their actions and recognize the boundaries of their rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

Students Rights in Public Schools

These statements set forth the rights of students in the public schools of the district and the responsibilities that are inseparable from these rights:

1. Civil rights--including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools, the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension and expulsion.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The rights to privacy, which includes privacy in respect to the student's school records.

As part of the educational process, students should be made aware of their legal rights and of the legal authority of the Board to make, and delegate authority to its staff to make, rules regarding orderly operation of the schools.

<u>Policy Reference</u>	<u>Description</u>
ACAA	SEXUAL HARASSMENT
JFCD	BULLYING

Adopted: May 14, 2007

Review Date: December 10, 2018

STUDENT DUE PROCESS RIGHTS

Discipline in the schools is critical to the provision and implementation of public education. The Board and school administrators have the legal authority to deal with disruptive students and student misconduct. The United States Constitution and The South Dakota Constitution entitle all students to due process when they are subjected to deprivation of a property right. The Board recognizes the importance of safeguarding a student's constitutional rights.

Due process is an established course for judicial proceedings or other governmental activities designed to safeguard the legal right of the individual.

A student whose conduct may warrant suspension or expulsion shall be provided with appropriate due process. Due process, in the context of the administrative proceedings carried out by school authorities, refers to the notification and hearing procedures established by the South Dakota Board of Education

Due process procedures shall be fair and apply equally to all. Fairly enforcing due process procedures involves:

- Adequate and timely notice and an opportunity to prepare a defense;
- An opportunity to be heard at a reasonable time and in a meaningful manner and;
- The right to a speedy and impartial hearing on the merits of the case.

SPECIAL EDUCATION STUDENTS

Students who attend public school on an individualized educational program (IEP) are subject to due process procedures established by the South Dakota Board of Education under administrative rules for special education. The administration shall consult with a student's individualized education program (IEP) team to balance student disciplinary actions with the provision of a free and appropriate public education for students with disabilities.

State Reference	Description
ARSD 24:05:26	Suspension
ARSD 24:05:26.01	Expulsion
ARSD 24:05:30	Procedural safeguards
ARSD 24:07	Student due process
SDCL 1-26-26	Ex parte consultations by agency personnel
SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension
SDCL 13-32-4.7	Early reinstatement – Due Process
Policy Reference	Description
ACAA	SEXUAL HARASSMENT
JFCD	BULLYING
JGD	STUDENT SUSPENSION AND EXPULSION

Adopted: May 14, 2007

Revise Date: March 9, 2015

Reviewed: December 10, 2018

SEARCH AND SEIZURE

All district property, including, but not limited to, real estate, buildings, offices, desks, storage areas, lockers, computer systems and equipment, voice-mail and vehicles, is owned by the district, and is intended for educational purposes, and district business, at all times.

Individuals using district-owned property (system users) shall have no expectation of privacy when using school property. The district reserves the right to monitor, inspect, copy, review and store (at any time and without notice) all usage of district property including computer and computer systems, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed and/or received through district computers and computer systems shall remain the property of the school district.

System users have no right of privacy and should have no expectation of privacy in materials sent, received, or store in district-owned computers or on the district system or within the physical area of the district. School officials reserved the right to review district system/property use at any time to determine if such use meets the criteria set forth in school board policies and district regulations. Routine maintenance and monitoring of the system and physical plant may lead to the discovery that the user has or is violating district policy or law. Once a problem is discovered, an individual search may be conducted. The search/investigation will be reasonable and will be in keeping with the nature of the alleged misconduct.

Employees or students violating acceptable use of district property, or policy, may be subject to disciplinary action by the Superintendent or designee, depending on the nature of the violation.

State Reference

SDCL 13-5-1

Description

School districts defined

Management of schools by board - general powers

SDCL 13-8-39

Federal Reference

*New Jersey v. T.L.O.

Description

Student search and seizure

Adopted Date: October 13, 2008

Revised Date: March 9, 2015

Reviewed: December 10, 2018

EDUCATION OF HOMELESS CHILDREN

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth.

A homeless child is a child without permanent housing who:

- lives on the streets;
- stays in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or
- is in any other unstable or non-permanent situation.

The Board will appoint a liaison for homeless children.

Every homeless child is entitled to equal access to the same free, appropriate public education as provided to other students. The District will strive to ensure the enrollment and attendance of homeless children not currently attending school. The District will enroll a child who is homeless regardless of residence and irrespective of whether the homeless child is able to product records normally required for enrollment.

Homeless students will have access to services comparable those offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The District will review and revise as necessary those policies, rules or procedures that may be barriers to enrollment of homeless children. In reviewing and revising such procedures, the District will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Dispute Resolution Process

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth. The District has developed a dispute resolution process for when parents, guardians, or unaccompanied youth and schools, disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The designated District Homeless Liaison is responsible for carrying out the dispute resolution process in an expeditious manner.

The District will provide a written explanation of the decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision. When a dispute arises over eligibility, enrollment, or school selection, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.

Should a dispute occur regarding eligibility, enrollment, or school selection of a homeless child or youth, the dispute process as outlined in regulation JFB-R(1) must be used.

Federal Reference
USC Title 42 §11431

Description
McKinney-Vento Homeless Children Act

Policy Reference
JECG

Description
EDUCATION OF STUDENTS IN FOSTER CARE

Adopted: March 9, 2015
Reviewed: December 10, 2018

EDUCATION OF HOMELESS CHILDREN
Dispute Resolution Process (Regulation)

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth. The District has developed a dispute resolution process for when parents, guardians, or unaccompanied youth and schools, disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The designated District Homeless Liaison is responsible for carrying out the dispute resolution process in an expeditious manner.

The District will provide a written explanation of the decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision. When a dispute arises over eligibility, enrollment, or school selection, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.

Should a dispute occur regarding eligibility, enrollment, or school selection of a homeless child or youth, the following process must be used:

- Level 1: If a parent or unaccompanied youth wishes to appeal a District Homeless Liaison's decision related to a student's eligibility, enrollment, or educational placement, the case is appealed to the District Superintendent or the Superintendent's designee (who may not be the District Homeless Liaison).
- Level 2: If the appeal is unresolved, the case is appealed to the School Board.
- Level 3: If the appeal continues to be unresolved, the case is appealed to the McKinney-Vento State Coordinator. Every effort should be made to resolve the complaint or dispute at the local level before it is brought to the South Dakota Department of Education.

Initiation of the Dispute Resolution Process: If a parent or unaccompanied youth wishes to appeal the District Homeless Liaison's decision related to a student's eligibility, enrollment, or educational placement:

The parent or unaccompanied youth must file a request for dispute resolution with the District Homeless Liaison by:

1. submitting a form that initiates the dispute resolution process;
2. the request for dispute resolution must be submitted by the parent or the unaccompanied youth to the District Homeless Liaison within fourteen (14) calendar days of receiving notification that the District intends to enroll the student in a school other than the one requested by the family or the unaccompanied youth;

The District's Homeless Liaison must log their receipt of the appeal, including the date and time, with a written description of the situation and the reason for the dispute, and a copy of the complaint must be forwarded to the District Superintendent within seven (7) calendar days of receipt of the notice of appeal.

Level 1: Appeal to the Superintendent: The following procedure shall be used to address an appeal of the District's Homeless Liaison's decision:

- A. The appeal shall be in writing using Exhibit JFB-E(1).
- B. Upon receipt of an appeal, the Superintendent will, within fourteen (14) calendar days, meet and discuss the matter with the appealing party and the District's Homeless Liaison.
- C. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause.
- D. The Superintendent may uphold, reverse or modify the Liaison's decision. The Superintendent may also refer the matter back to the Liaison for further investigation. The Liaison may uphold, modify or reverse his or her initial

decision. After a matter has been referred back to the Liaison, and the Liaison rendered a second decision, that decision may also be appealed to the Superintendent.

- E. The Superintendent's decision may be appealed to the School Board within fourteen (14) calendar days of receipt of the Superintendent's written decision. If the Superintendent does not render a written decision within the required time frame the matter may be appealed to the School Board pursuant to Step 3.

Level 2: Appeal to the School Board: The following procedure shall be used to address an appeal of the Superintendent's decision made in Level 1, or if the Superintendent failed to render a decision in the required time frame:

- A. An appeal to the School Board shall be in writing using Exhibit JFB-E(2).
- B. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within fourteen (14) calendar days of receipt of the Superintendent's written decision, or within fourteen (14) calendar days of the deadline for the Superintendent's written decision, whichever comes first.
- C. Upon receipt of an appeal to the School Board, the School Board shall schedule a date, time and location for the appeal hearing.
- D. The following procedure shall be applicable at the appeal hearing before the School Board:
 - 1. The School Board shall appoint a school board member or a person who is not an employee of the school district as the Hearing Officer.
 - 2. Within thirty (30) calendar days of an appeal being filed with the School Board, the School Board shall conduct a hearing in executive session.
 - 3. The appealing party and the Superintendent each have the right to be represented at the hearing.
 - 4. The School Board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the Hearing Officer until the appeal process has been completed.
 - 5. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified by the School Board; in the absence of a decision by the Superintendent, the School Board will make a decision on the merits of the complaint.
 - 6. All parties shall be given the opportunity to make an opening statement.
 - 7. Both parties shall have the opportunity to present their case and ask questions of the other's witnesses. The Hearing Officer and school board members may ask questions of any witness.
 - 8. All witnesses must take an oath or affirmation administered by the School Board President/ Chairperson, Hearing Officer or other person authorized by law to take oaths and affirmations.
 - 9. The Hearing Officer shall admit all relevant evidence. The Hearing Officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply.
 - 10. Both parties shall be given the opportunity to make a closing statement.
 - 11. After the evidentiary hearing, the School Board shall continue to meet in executive session for deliberations. No one other than the Hearing Officer may meet with the Board during deliberations. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.

12. Within twenty (20) calendar days of the hearing, the School Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to the parties.
13. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will reconvene in open session. The Board may uphold, reverse, or modify the Superintendent's decision, or render a decision on the merits of the complaint in the absence of a Superintendent's decision. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion, shall be in writing and approved by the Board. The Complainant, Employee, Principal and Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the School Board.
14. If the party appealing the Superintendent's decision to the School Board is dissatisfied with the School Board's decision, that party may appeal the decision by filing an appeal with the South Dakota Department of Education.

STUDENT CONDUCT

Students in the District are expected to act in an appropriate and responsible manner. Such behavior will reflect favorably on the student and on the school, will show consideration for other students, and will create a positive school environment in which to learn and work.

All students have individual responsibilities and obligations in their conduct toward other people and with respect to property. Examples of student conduct on school grounds, on school buses or at school activities which will subject a student to suspension, expulsion or other disciplinary action, and which may be reported to the legal authorities and subject to legal consequences, include, but are not limited to:

1. Causing or attempting to cause damage to school property, or stealing or attempting to steal school property.
2. Causing or attempting to cause damage to private property, or stealing or attempting to steal private property.
3. Causing or attempting to cause physical injury to another person except in self-defense, or threatening to do so.
4. Assault or threatening a student or staff member with bodily harm.
5. Possession of any firearm, knife, explosive or other weapon or dangerous object.
6. Possession, use, or being under the influence of any controlled drug or substance without a physician's prescription.
7. Possession, use or under the influence of alcohol or illegal drug or substance.
8. Possession or use of any tobacco product.
9. Making false fire alarms or bomb threats or similar threats.
10. Cheating (including plagiarism) with respect to school work or tests.
11. Inappropriate use of computers, networks, Internet, Distance Learning, etc.
12. Using lewd, profane or obscene language, displaying lewd, profane or obscene language or pictures, or lewd or indecent exposure.
13. Sexually harassing any other person.
14. Defying the valid authority of school employees.
15. Conduct in a classroom, hallway, or any other location on school property or on a school bus which is disruptive.
16. Harassment (including hazing) of any other student or staff member of the School District or any other person who is on the property of the School District.
17. Bullying
18. Racial or ethnic slurs.

Copies of this policy shall be made available to parents and to all students, either through being reprinted in student handbooks or through some other means.

State Reference

SDCL 13-32-5

SDCL 13-32-6

SDCL 13-32-7

SDCL 22-14A-24

SDCL 22-14A-25

Description

Injury to school property as grounds

Disturbance of school as a misdemeanor

Possession of firearms on premises

Use of substance or device to communicate felonious threat

Use of hoax substance or device to cause fear

SDCL 25-5-15

Parental liability for willful acts of child

<u>Policy Reference</u>	<u>Description</u>
ACAA	SEXUAL HARASSMENT
JFA	STUDENT DUE PROCESS RIGHTS
JFCC	STUDENT CONDUCT ON SCHOOL BUSES
JFCD	BULLYING
JG	STUDENT DISCIPLINE
JGD	STUDENT SUSPENSION AND EXPULSION

Adopted: May 14, 2007

Revise Date: March 9, 2015

Reviewed: December 10, 2018

Revised Date: November 9, 2020

STUDENT DRESS CODE

The Board recognizes that it is the prerogative of parents to determine what is appropriate dress and grooming for their children in accordance with the age and grade of these students. It is hoped that decisions made by parents and students in these matters will reflect favorably upon the individual, the school, and the community.

There are certain restrictions necessary on a student's dress and grooming when such dress and grooming may create a health or safety hazard; invade the rights of others; or, be disruptive to the educational environment by detracting from the decency and decorum in school. It will be the responsibility of the building principal to determine violations of the intent to this policy and to take necessary corrective action.

Clothing advertising alcoholic beverages, tobacco products, or those with obscene or questionable printing will not be permitted in the school building.

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

GANGS

The Board desires to keep District schools and students free from threats or harmful influence of any groups or gangs, which advocate drug use, violence, or disruptive behavior. The Superintendent shall maintain continual, visible supervision of District premises so as to deter gang intimidation of students and confrontations between members of different gangs.

The Superintendent shall:

1. Establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort;
2. Provide in-service training to help staff identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior; and
3. Keep the staff informed about conflict management techniques and alerted to intervention measures and community resources, which helps students.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior.

State Reference

SDCL 13-32

Description

Supervision of students and conduct of school

Adopted: March 9, 2015

Reviewed: December 10, 2018

STUDENT CONDUCT ON SCHOOL BUSES

When a student is riding, boarding, or leaving the bus, the bus driver has supervisory control over the student.

Because the bus is an extension of the classroom, the Board requires students to conduct themselves while on the bus in accordance with Student Conduct policy JFC.

Students who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the principal. In such cases, the parents of the student involved will be responsible for their child's transportation to and from school.

Principals have the right to suspend students for up to ten (10) days from riding the school bus for inappropriate conduct. The suspension must be reported to the Superintendent who may revoke the suspension at any time. The Superintendent may suspend a student from riding the school bus for not more than 90 days. In case of a suspension by the Superintendent for more than 10 school days, the pupil or his parents or others having his custodial care may appeal the decision of the Superintendent to the School Board. The Superintendent may also recommend to the School Board that the student be prohibited from riding the school bus for the balance of the school year, and upon receiving such a recommendation the School Board shall conduct a hearing on the Superintendent's recommendation.

State Reference

SDCL 13-32-2

SDCL 13-32-4

Description

Physical force authorized when necessary

School board to assist in discipline

Policy Reference

ACAA

ECAC

JFA

JFC

JFCD

JG

JGD

Description

SEXUAL HARASSMENT

VIDEO SURVEILLANCE

STUDENT DUE PROCESS RIGHTS

STUDENT CONDUCT

BULLYING

STUDENT DISCIPLINE

STUDENT SUSPENSION AND EXPULSION

Adopted October 27, 1986

Review Date: December 10, 2018

Revised Date: November 9, 2020

STUDENT CONDUCT ON SCHOOL BUSES (Regulation)

Buses are provided for those students whose distance from school or health make this service essential. Misconduct on buses will not be tolerated and will result in forfeiture of the privileges of riding.

Students are expected to discipline themselves and comply with the instructions of the bus operator. The driver will be in full charge of the bus and the passengers. There must be no disturbance of any kind that might distract the driver and imperil the safety of the passengers.

Students will observe the following rules of conduct while riding school buses.

1. Students should always be at the bus stop at least five minutes before the bus is scheduled to be there. Students should remain well back from the roadway while awaiting the arrival of the bus.
2. Bus riders should not move to board a bus until it is completely stopped and the door is open.
3. Students will enter the bus in an orderly fashion and go directly to a seat. Students must stay in their seats and in a sitting position when the bus is in motion.
4. Bus riders should leave their seats only after the bus has come to a complete stop at their bus stop.
5. Bus riders who must cross a street at their bus stop will cross in front of the bus.
6. Students will keep their hands, arms and heads inside the bus.
7. Shouting, screaming, smoking, running, fighting, vulgar talk and pushing are not permitted.
8. All articles such as athletic equipment, books, musical instruments, etc., must be kept out of the aisles.
9. No drinking or eating is permitted on the bus.
10. All riders should help to keep the bus clean and sanitary on the inside.
11. Any damage to the bus will be paid for by the rider inflicting the damage and will be subject to suspension or expulsion from school.
12. Bus riders are expected to be courteous and obedient to bus drivers at all times.

Parents and students will be informed of these regulations at the beginning of each school year, and parents will be asked to return signed forms indicating that the regulations have been received and read.

Adopted: March 9, 2015

Reviewed: December 10, 2018

BULLYING

SECTION 1 – Policy Statement

The District is committed to maintaining a constructive, safe, and bullying-free school climate that is conducive to all students' educational opportunities and which fosters an environment in which all students are treated with respect and dignity. Bullying can inhibit a student's educational opportunities and may also have long-term negative effects on a student. Bullying of students shall not be tolerated and is strictly prohibited. Bullying of students from other schools who are at a District activity, parents, school employees, guests, visitors, volunteers and vendors of the District shall also not be tolerated and is strictly prohibited.

This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. However, conduct which substantially interferes with the work of the school, causes material and substantial interference with school work and discipline, and might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities is not constitutionally protected speech and is therefore prohibited under this policy.

All students, parents, employees, guests, visitors, volunteers and vendors shall conduct themselves in a civil and responsible manner and in a manner consistent with school policies related to student, parent, employee and visitor conduct. This policy prohibiting bullying shall apply to all students, parents, employees, guests, visitors, volunteers and vendors while on school property, while attending or participating in school activities, on school-owned property or on non-school property, while in any school-owned or leased vehicle, while at a school bus stop, or when in a private vehicle located on school property during school or during school activities..

The District shall investigate all reported instances involving bullying. Unless a different person is designated by the Superintendent to conduct the investigation, the Principal of the school attendance center where the bullying is alleged to have occurred is responsible for investigating the alleged bullying. Allegations of bullying may also be reported by the administration to other authorities, including but not limited to law enforcement.

Students who violate this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Employees who violate this policy shall be subject to appropriate disciplinary action, up to and including termination of employment. Parents, guests, visitors, volunteers, and vendors who violate this policy may be prohibited from being on school property.

Pursuant to state law:

A. any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy, is immune from any cause of action for damages arising from failure to remedy the reported incident, and

B. no cause of action is created against the school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy which results in injury to a person.

The District will maintain confidentiality to the maximum extent possible under the circumstances. However, a person reporting bullying conduct must understand that should the administrator who is investigating the report determine there is reasonable cause to suspect that bullying did occur which could result in administrative discipline or a referral to the School Board, the person alleged to have abused the other person may have the right to know the identity of the person(s) making the report in order that he/ she may have an opportunity to defend himself/herself.

The District strictly prohibits retaliation against any person because he or she has made a report, testified, assisted, or participated in the investigation of a report of alleged bullying. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have bullied another person shall not directly or indirectly (such as through another person) harass, pressure, or retaliate against any other person because of the complaint being reported. A violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes he or she is being subjected to retaliation because of his or her involvement with a bullying report should immediately contact a school administrator.

Complaints against school employees and complaints related to Sexual Harassment are addressed through other school district policies and not through this policy.

SECTION 2 – Bullying Defined

A. Bullying is an intentional isolated act or pattern of repeated conduct toward another person that is sufficiently severe and offensive to a reasonable person, and

1. has the purpose or effect of creating an intimidating, hostile or offensive school environment for one or more students, parents, employees, guests, visitors, volunteers or vendors, and/or
2. has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities (i.e., academic, co-curricular activities, extra-curricular activities, and social opportunities, etc. within the school environment), employee's and volunteer's work environment or performance, or access by parents, guests, visitors or vendors, and/or
3. places a person in reasonable fear of harm to his or her person or damage to his or her property, and/or
4. causes physical hurt or psychological distress to a person, and/or
5. constitutes retaliation against any person for asserting or alleging an act of bullying, and/or
6. disrupts the orderly operation of a school.

B. Bullying conduct includes threats, intimidation, physical violence, theft, destruction of property, hazing, stalking (SDCL 22-19A-1), harassment (SDCL 22-19A-4), and threatening or harassing contact by telephone or other communication devices, commonly referred to as cyber bullying (SDCL 49-31-31). Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by the School District for conduct determined to meet the definition of bullying in SDCL 13- 32-15.

1. Hazing defined: any verbal or physical act or acts done on school property or at a school activity which directed toward another person and done for the purpose of initiation into any group, regardless of whether the group is a school sanctioned organization, when the act or acts causes or may create a reasonable risk of causing mental, emotional or physical harm to the person who is the recipient of the act or acts.

2. Stalking defined: willfully, maliciously, and repeatedly following or harassing another person; making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

3. Harass defined: a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.

4. Threatening or harassing contacts by telephone or other electronic communication device defined: using or knowingly permitting a telephone or other electronic communication device under his or her control for any of the following purposes:

(1) to contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act,

(2) to contact another person with intent to threaten to inflict physical harm or injury to any person or property,

(3) to contact another person with intent to extort money or other things of value,

(4) to contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.

SECTION 3 – Reporting Procedure

Any individual who believes that he or she has been or is being subjected to bullying or has reason to suspect another person has been or is being subjected to bullying should immediately report it to a teacher or school administrator. The report may be made verbally or in writing. A report may be made anonymously, although disciplinary action may not be based solely on an anonymous report. If disciplinary action is being requested, the individual reporting the bullying will be asked to either submit a signed written complaint or sign a completed Bullying Report Form, Exhibit JFCD-E(1), verifying the accuracy of its content. The written complaint or Bullying Report Form must include the following:

- the date the written complaint was filed or the Bullying Report Form was completed,
- the school employee receiving the complaint (if applicable),
- the name of the person reporting the bullying,

- the address/phone # of the person reporting the bullying,
- the specific conduct or nature of the bullying complaint including the person(s) alleged to have bullied the complaining party or another person, the date(s) and location where the conduct occurred, witnesses, etc.,
- the date the school employee completed the form (if applicable),
- the date and signature of the person reporting the bullying.

If the signed written complaint was given to a teacher, or if the Bullying Report Form was completed by a teacher, the teacher shall forward the complaint or Bullying Report Form to the teacher's building principal.

SECTION 4 – Procedure for Addressing Bullying Complaints

STEP 1: Principal.

Should there be a report which alleges a District student, parent, employee, guest, visitor, volunteer or vendor has been subjected to bullying, an investigation into the alleged bullying will be initiated. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the victim, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint.

The person alleged to have bullied another person will be notified that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless and until the investigation results in a determination that there is reasonable cause to suspect that bullying did occur.

Upon reasonable suspicion by the school administrator responsible for the investigation that the allegation of bullying may be true, the employee, student or other person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, including a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged victim.

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond to the allegation of bullying but is not required to submit a response.

Pending the outcome of the investigation the school administrator responsible for conducting the investigation may take such action consistent with school policy and state law as deemed appropriate in order to facilitate the investigation and protect the rights of all persons involved. If there is reasonable suspicion to believe that a person bullied another person while at school or at a school activity on non-school property in violation of this policy, the administration may prohibit that person from being on school property or at school activities.

Upon reasonable suspicion by the school administrator responsible for the investigation that the allegation of bullying may be true, the employee, student or other person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged victim and complaining individual(s).

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond in writing to the notification of alleged bullying but is not required to submit a written response.

At the conclusion of the investigation, the Principal shall make a determination as to whether bullying did occur or whether the facts are insufficient to determine that a determination that bullying occurred. The complainant and the person alleged to have bullied another person will receive written notice of the Principal's determination. Should the Principal conclude that bullying did occur, the Principal shall take such action as deemed appropriate, which may include imposing disciplinary consequences on the person found to have violated this policy prohibiting bullying.

STEP 2: Appeal to the Superintendent

The following procedure shall be used to address an appeal of the Principal's decision in Step 1 to the Superintendent:

1. If either party is not satisfied with the Principal's decision, or if the Principal does not render a written decision within fourteen (14) calendar days of the request for a decision on the merits of the complaint, that party may appeal to the Superintendent by filing form JFCD-E(2). The appeal must be filed within ten (10) calendar days of receipt of the Principal's written decision, or ten (10) days of the deadline for the Principal's written decision, whichever comes first. The appealing party must attach the Principal's written decision.

2. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the principal's decision, or the Superintendent may refer the matter back to the Principal for further investigation and supplemental decision which decision may restate, modify or reverse the Principal's initial decision. A supplemental decision by the Principal after a referral back to the Principal is subject to appeal to the Superintendent. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to all parties, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

STEP 3: Appeal to the Board

If either party is not satisfied with the Superintendent's decision, or if the Superintendent does not render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the School Board by filing with the Business Manager using Form JFCD-E(3) within ten (10) calendar days of receipt of the Superintendent's written decision, or ten (10) days of the deadline for the Superintendent's written decision, whichever comes first. The appeal shall be in writing and the appealing party must attach to the appeal the Principal's written decision, the appeal to the Superintendent, and the Superintendent's written decision or notice of the Superintendent's failure to render a written decision.

The following procedure shall be used by the Board to address an appeal of the Superintendent's decision on the merits related to a bullying complaint:

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the bullying policy.

2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.

3. The following procedure shall be applicable at the appeal hearing before the Board:

A. The Board shall appoint a board member or a person who is not an employee of the school district as the hearing officer;

B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;

C. The Complainant, person alleged to have violated the bullying policy, and Superintendent each have the right to be represented at the hearing;

D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;

E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;

F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;

G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;

H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;

I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;

J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595, 602 (S.D. 1979).

K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;

L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date; within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;

M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the Principal and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.

N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting bullying, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a person from being on school property or at school activities for such time as may be determined by the Board.

O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

State Reference

*Moran v. Rapid City Area School Dist.
 SDCL 13-32-14
 SDCL 13-32-15
 SDCL 13-32-16
 SDCL 13-32-17
 SDCL 13-32-18
 SDCL 13-32-19
 SDCL 22-19A
 SDCL 49-31-31

Description

Employee hearing due process
 Adoption of bullying policy
 Bullying defined
 Bullying policy requirements
 Action for damages from bullying--Immunity for reporting
 Incidents involving electronic devices
 Model bullying policy
 Stalking
 Threatening or harassing contacts by telephone or other electronic communication device

Policy Reference

ACAA
 JF
 JFA
 JFC
 JFCC
 JG
 JGD

Description

SEXUAL HARASSMENT
 STUDENT RIGHTS AND RESPONSIBILITIES
 STUDENT DUE PROCESS RIGHTS
 STUDENT CONDUCT
 STUDENT CONDUCT ON SCHOOL BUSES
 STUDENT DISCIPLINE
 STUDENT SUSPENSION AND EXPULSION

Adopted Date: October 13, 2008
 Revised Date: March 9, 2015
 Reviewed: December 10, 2018

ALCOHOL AND OTHER DRUG USE BY STUDENTS

The following document outlines policy on student use of alcohol and other drugs in the school district. This policy is in effect on premises owned, leased or maintained by the school district, at all school related activities on and off campus, on vehicles used to transport students to and from school or at other activities and in vehicles parked on school property. Student and parent/guardians are expected to know and understand the policy provisions and its mandatory nature. A copy of the policy will be provided to all students and parents.

Policy

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, nor be under the influence of alcohol and/or other illegal drugs. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs.

Students who use prescription drugs authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

Disciplinary sanctions and Implementation Procedures

A. The following procedures will be used in dealing with possession, use distribution, or being under the influence of alcohol and other drugs. State and federal regulations regarding special education students will be followed.

First Offense:

1. The administration will notify the parent(s)/guardian(s) and schedule a conference;
2. The administration shall suspend student for ten (10) days in compliance with student due process procedures;
3. The administration shall notify available law enforcement authorities;

The suspension of a student who completes a drug/alcohol assessment from a certified or licensed addition counselor or a licensed physician trained in chemical dependency and recommended program, if any, will be commuted to three (3) days, provided the assessment and program are completed, unless good cause is shown to and approved by the administration, within twenty (20) school days. Fees for this assessment and treatment are the responsibility of the student and family.

Upon receipt of appropriate authorization, the agency or professional will notify the school administration in writing that the student has been evaluated and to comply successfully, completed any recommended treatment program.

Second Offense:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for ninety (90) school days. The ninety (90) day suspension for a second offense may be reduced to ten (10) school days if the student completes an accredited intensive prevention or treatment program. Fees for this assessment and/or treatment are the responsibility of the student and family.

Subsequent Offenses:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities.
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.
 4. An expulsion hearing shall be scheduled before the school board pursuant to due process rules for expulsion. The administration will recommend to the school board that the student be expelled.
- B. Distributing (supplying free or selling) Alcohol and Other Drugs or Material Represented to be a Controlled Substance - (all occurrences):
1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities.
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

4. A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for up to ninety (90) school days.
5. A second offense for distributing alcohol or drugs shall result in an expulsion hearing being scheduled before the school board and the administration will recommend the student be expelled for one year.
6. State and federal regulations regarding special education students will be followed.

USE OF ALCOHOL SENSORS

In keeping with its commitment to protect all pupils and the school community from the harm of alcohol use, the Board authorizes the Superintendent, Principals, and designee(s), to use a portable breath test (PBT) and passive breath alcohol sensor device (PBASD) to screen for evidence of breath alcohol.

The purpose for using a PBT and PBASD is to protect pupils who may be under the influence of alcohol, other pupils, staff and community members attending school events and to deter the use of alcohol by pupils. As PBT and PBASD implementation is intended primarily as a deterrent to student and youth alcohol use, nothing set forth in this policy precludes school district personnel from using the power of observation and professional judgment when there is reasonable suspicion of youth alcohol consumption.

The Board authorizes PBT and PBASD screening of students during the school day upon reasonable suspicion that a student may have consumed alcohol, and of attendees before, during and after school activities/events including, but not limited to dances, athletic events, proms, class trips, drama productions, graduation ceremonies, or school assemblies.

Procedurally, district personnel will not vary from the normal course of action outlined in ASBSD's Reference Policy JGD: Student Suspension or Expulsion when evidence of alcohol consumption is derived from a PBT, PBASD reading or personal observation.

If the PBT or PBASD screening indicates the presence of alcohol on District student, the matter shall be reported to the Principal or designee and law enforcement. District students violating this policy will be disciplined according to the discipline procedures outlined in this policy and other relevant policies. School age persons from other districts attending school and district sponsored events who are suspected of alcohol consumption will be reported to the Principal or designee and law enforcement.

The Board shall provide notices to students, staff, parents and guardians of this policy.

State Reference	Description
SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension
SDCL 13-32-4.3	Effect of suspension or expulsion on enrollment
SDCL 13-32-9	Suspension from extracurricular activities
SDCL 22-42-19	Drug free zones created
SDCL 26-11-5.1	Notice by law enforcement of suspected student alcohol/drug violation or violence threat

Federal Reference	Description
Public Law 101-226	Drug-Free school and communities act of 1989

Policy Reference	Description
IGD	EXTRA-CURRICULAR ACTIVITIES
JGD	STUDENT SUSPENSION AND EXPULSION

Adopted: May 14, 2007
Revised Date: March 9, 2015
Reviewed: December 10, 2018

DANGEROUS WEAPONS IN THE SCHOOL

Schools should be an example of what is required regarding the observance and respect for law in society at large. Schools also must be highly conscious of the health, safety, and welfare of students, staff, and the public.

State and federal laws as well as board policy forbids the bringing of dangers or illegal weapons to school or school sponsored activities. Any weapons taken from a pupil shall be reported to the pupil's parents. Confiscation of weapons will be reported to law enforcement. Appropriate disciplinary or legal action or both shall be pursued by the building principal.

A dangerous weapon is defined as any firearm, or airgun, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm.

No firearms are permitted on any school premises, school vehicle or any vehicle used for school purposes, in any school building or other building or premises used for school functions. An exception would be weapons under the control of law enforcement personnel, starting guns while in use at athletic events, firearms or air guns at fire ranges, gun shows, authorized supervised school training sessions for the use of firearms and to the ceremonial presence of unloaded weapons at color guard ceremonies. Any violations shall be reported to local law enforcement authorities.

Any student bringing a firearm to school, except as provided by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The superintendent shall have the authority to recommend to the school board that this expulsion requirement be modified on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504. For the purpose of this portion of this policy, the term "firearm" includes any weapon which is designed to expel a projectile by action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for a weapon, or any explosive, including any poison gas.

State Reference

SDCL 13-32-4.2

SDCL 13-32-7

SDCL 22-1-2

Description

Procedure for suspension

Possession of firearms on premises

Definition of terms

Adopted: May 14, 2007

Revise Date: March 9, 2015

Reviewed: December 10, 2018

CELL PHONES AND PORTABLE DIGITAL MEDIA DEVICES

The School District, as part of a commitment to upholding academic integrity and providing a safe learning environment free from distraction, limits student use of cellular phones and portable digital media devices.

Students may possess cellular phones and portable digital media devices on school property, while in school-owned or school-operated vehicles and while students are attending or engaged in school-sponsored activities, subject to limitations of this and other policies and regulations of the District.

Student use of cell phones and portable media devices may be granted by school personnel and individual classroom teachers.

1. In classrooms where cell phones are permitted, the phones will be powered off and remain out of site when they are not in use.
2. Cell phone use is permitted during noon break.

Students found to have violated this policy shall be subject to disciplinary action, which may include confiscation of the cellular phone or portable digital media device. The Board acknowledges that certain violations of this policy pose severe risks to academic integrity or student safety. Students found in severe violation of this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Severe violations of this policy involve highly inappropriate activities including, but not limited to:

1. Electronic communication that contains inappropriate content, profanity, intimidation or threats to others;
2. Sexting, which includes intentionally creating, producing, distributing, presenting, transmitting, posting, exchanging, disseminating, or possessing, through any computer or digital media, any photograph or digitized image or any visual depiction of a person in any condition of nudity, or involved in any prohibited sexual act;
3. Academic dishonesty or cheating;
4. The use of camera or recording features of cellular phones and portable digital media devices in restrooms, locker rooms or for any use constituting an invasion of any person's reasonable expectation of privacy;
5. Communicating in any way with outside groups or individuals to participate in violent acts or other inappropriate or unlawful activities on school property or at school-sponsored activities; or
6. Refusal to relinquish phone to persons of authority upon request.

This policy shall not be interpreted to justify unreasonable searches of cellular phones or other digital media devices by school personnel. Any search of a student's cellular phone or portable digital media device by school personnel shall be:

1. Justified at its inception and based on reasonable grounds that the search would reveal evidence of a student's severe violation of this policy;
2. Reasonably related to its objectives and not excessively intrusive in light of the nature of the infraction; and
3. Conducted in accordance with district policy and in the presence of a student's parent or guardian.

As necessary for the implementation of this policy, the superintendent may establish regulations, consistent with this policy, further limiting or prohibiting the possession and use of cellular phones or portable digital media devices.

The District assumes no responsibility for loss, damage or theft of cellular phones and digital media devices, whether in the possession of students, on school property or if confiscated by school personnel pursuant to this policy.

State Reference

ARSD 24:07
SDCL 13-32-4
SDCL 49-31-31

Description

Student due process
School board to assist in discipline
Harassment by electronic devices

Adopted: March 9, 2015
Reviewed: December 10, 2018

STUDENT REGISTERED SEX OFFENDERS

The District is committed to the safety of students, employees and other persons on school property. In order to effect this commitment, the following policy provisions are adopted:

STUDENT (REGISTERED) SEX OFFENDERS ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender, is forbidden (1) to be present on any property owned or operated by the District, including school buildings, athletic fields or facilities, parking lots, buses, vehicles or other property, and (2) to attend school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student required to be a registered sex offender, who is receiving educational services on school property must comply with the requirements to be supervised by school personnel at all times.

EDUCATIONAL SERVICES FOR STUDENT (REGISTERED) SEX OFFENDERS

1. If permitted by the Board, a student, subject to the previous section, may be present on school property subject to any conditions and restrictions imposed by the Board.
2. The Board will hold a hearing to determine whether to expel or provide the student with educational services.
3. Prior to expelling a student, the Board will consider whether there is an alternative program offered by the District that may provide educational services to the student.
4. If the Board determines that the student will be provided educational services on school property, the student must be under the supervision of school personnel at all times.
5. If a student subject to this policy violates the conditions and restrictions placed upon the student by the Board, school administrators and the Board will follow established student discipline procedures and impose an appropriate disciplinary measure, up to and including expulsion.
6. If a student subject to this policy is one with disabilities, educational services will be provided in accordance with federal and state law.

State Reference

SD Constitution Article 8 §1
SDCL 13-27-1
SDCL 22-24B

Description

Uniform system of free public schools
Responsibility for school attendance
Sex offender registry

Adopted: March 9, 2015

Reviewed: December 10, 2018

PARTICIPATION IN WORK STUDY PROGRAMS

The Board recognizes the value of off-campus work study programs, such as job shadowing and internships, for educational and training purposes. The district will work with students and community entities to create voluntary work study programs for participation of interested secondary education students.

To participate, all parents or legal guardians and students must be fully notified of the work study program requirements and agree to eligibility outlines established by the school district.

The board instructs the Superintendent or Superintendent's designee to draft corresponding regulations to implement this policy.

State Reference

SDCL 25-5-18.1

SDCL 62-1-4.1

Description

Parental duty to support child

Elementary and secondary students are not employees

Adopted: March 9, 2015

Reviewed: December 10, 2018

REQUEST TO PARTICIPATE IN WORK STUDY PROGRAM (Regulation)

I, the undersigned parent/legal guardian, request that my child participate in the following voluntary work study program at the Platt-Geddes School District:

Name of student: _____

Name of program: _____

Semester/School year: _____

I understand that this work study program may require my child to attend activities off school campus. I understand that the School District will not provide transportation for my child's participation in any off-campus activities, and that I am therefore responsible for arranging my child's transportation to and from any such activities.

I affirm that any decision I make to allow my student to ride to or from the off-campus activities in a vehicle driven by anyone other than me (including one driven by my child) is a decision to be made solely by me, based upon my discretion as a parent or legal guardian and my own assessment of the safety of allowing such transportation to occur.

If the above identified student will use his or her personal vehicle for transportation, I affirm that:

1. The student driver has a valid driver's license;
2. The vehicle is insured; and
3. The student will abide by school policy.

In requesting that my student be allowed to participate in this elective work-study program, I agree and affirm that no person shall be considered to be acting as an agent or servant of the District, in any respect or for any purpose, whatsoever, while driving my student to or from this work study course. Should any claim be made against the School District based on the driving conduct of any person transporting my student to or from the off-campus activities involved in this elective course, I hereby agree to hold the District harmless as to such claim.

Furthermore, I hereby release and agree to hold harmless the School District from any claim or injury that may be suffered as a result of participation in the work study program.

Parent/guardian (date) Student (date)

Based on the foregoing, the Platte-Geddes School District hereby grants permission for the above named student to participate in the work study program.

Superintendent/Designee (title) (date)

INTERROGATIONS AND SEARCHES

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own property and school property.

Nevertheless, exercise of that authority by school officials places unusual demands on their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.), and the seizure of items in his or her possession:

1. There should be reasonable cause for school authorities to believe that articles are kept in the locker, desk, or other storage space whose possession constitutes a crime or rule violation.
2. Search of an area assigned to a student should be for a specifically identified item, and should be conducted in his or her presence and with his or her knowledge.
3. General housekeeping inspection of school property may be conducted with reasonable notice.
4. Illegal items (drugs, weapons, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

Searches of Student Property by Police

A proper search warrant is required for any search of a student's personal property kept on school premises; however, if the police have reason to believe any item that might pose an immediate threat to the safety or security of others, searches may be conducted without a previously issued warrant.

Interrogations by Police

The school district has legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

1. When law enforcement officials find it necessary to question students during the school day periods of extra-curricular activities, the school principal or the principal's designee will cooperate. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.
2. Parents or guardians will not be contacted in child abuse cases if the law enforcement official requests confidentiality.
3. If custody and/or arrest is involved, the principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

Federal Reference

*New Jersey v. T.L.O.

Description

Student search and seizure

Adopted: May 14, 2007

Revised Date: March 9, 2015

Reviewed: December 10, 2018

LAW ENFORCEMENT AND DEPARTMENT OF SOCIAL SERVICES STUDENT INTERVIEW POLICY

When students are at school or involved in a school activity off school ground, the school has an obligation to the students and their parents, and also an obligation to authorities such as law enforcement and the Department of Social Services. This policy balances the rights of students and parents with the rights and responsibilities of law enforcement and the Department of Social Services as those entities investigate juvenile delinquency/criminal matters and matters related to suspected child abuse and neglect. It is therefore the policy of the District that:

1. should a law enforcement officer wish to talk with a student under the age of 18* while the student is at school or at a school activity and interview the student for a reason other than investigating suspected child abuse or neglect, the District will not grant permission for the law enforcement officer to talk with the student unless the school has first notified the student's parent(s)/guardian(s) and received permission from a parent/guardian for the student to talk with the law enforcement officer. Parents/guardians have the right to deny the request from law enforcement to talk with the student. Parents/guardians shall also be afforded the opportunity to be present during the interview should permission be granted by parent/guardian for a law enforcement officer to talk with the student. However, should the law enforcement officer order school personnel to present the student so the officer may talk to the student, after documenting the law officers order to present the student, the school personnel shall comply with the officer's order and an administrator shall then immediately contact the student's parent.
2. should the Department of Social Services (DSS) or a law enforcement officer be investigating suspected child abuse or neglect and wish to talk with a student under the age of 18* while the student is at school, the request to talk with a student shall be documented by the school administrator, including the name of the person making the request, date of request, date of interview, and that the request is made for the reason of investigating suspected child abuse or neglect. The law in South Dakota requires investigation of suspected child abuse to be kept confidential and can be done without notification to parents. Therefore, the school will not notify parents of a request by the Department of Social Services or law enforcement to talk with a student in such instances.

* Upon the student reaching the age of 18, the student is a legal adult and has the authority to make the decision whether or not to talk with the law enforcement officer or DSS and without parental involvement. However, the student shall be afforded the opportunity to contact his/her parents for advice before responding to a request by the authorities to meet with and talk to law enforcement and/or the Department of Social Services.

Adopted: November 9, 2020

STUDENT COMPLAINTS AND GRIEVANCES

The Board recognizes that there may be conditions in the school district that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well conceived and understood in advance, can do much to maintain harmonious relationships between the schools and the students and community.

The Board desires student complaints and grievances to be resolved through orderly processes and at the lowest possible level, but that channels be provided for eventual hearing by the Board in instances when this becomes necessary. Therefore:

1. Any student or his or her parents or guardian will be provided the opportunity to discuss with the student's teacher a decision or situation which the student, parent, or guardian considers unjust or unfair.
2. If the incident remains unresolved, the student or his or her parent or guardian or the teacher, may bring the matter to the principal's attention for consideration and action.
3. The student may also bring a matter of general student concern to the attention of class officers or the student council (in grades and schools where such are elected) for the possible presentation to the principal.
4. If the matter is still unresolved after the procedure outlined above, it may be brought to the superintendent for consideration.
5. Complaints that remain unresolved following any action of the superintendent may be referred in writing to the Board for review.

The Board's decision will be final unless an appeal hearing is requested.

Adopted: May 14, 2007

Review Date: December 10, 2018

STUDENT DISCIPLINE

Staff and students share responsibility for maintaining a climate in which education can be pursued. What is best for the individual must be balanced with what is most desirable for the entire school population.

The following principles will be observed by the school staff in maintaining student control and discipline in the schools:

1. It is believed that most individuals modify behavior faster under praise than under blame. Therefore, the general approach to discipline will be a positive one. This will include attempting to identify the social, emotional, and academic problems that underlie a student's poor attitude or misconduct, and striving to meet his or her social, emotional, and academic needs.
2. Every individual needs to feel worthy and accepted as a person. In criticizing a student for his or her conduct or attitude and in taking disciplinary action, teachers and other staff members will endeavor to show the student that it is his or her behavior that is objectionable, not the student.
3. The best discipline is self-discipline. Modes of student control over classroom management will offer students the freedom to acquire self-control and self-discipline. This freedom will be extended in keeping with the student's maturity.

Within the above guidelines and specific policies regulating conduct and disciplinary action, the superintendent will set up procedures for dealing with disciplinary problems.

The Board extends to all of its school employees, professional and nonprofessional, the authority to enforce policy and regulations governing student behavior. Students will comply with the directions given them by staff members.

Policy Reference

JFCD

Description

BULLYING

Adopted: May 14, 2007

Review Date: February 7, 2019

PROHIBITION OF CORPORAL PUNISHMENT

The use of corporal punishment, defined as any act of physical force on a pupil for the purpose of punishing that child, is not acceptable in this district and will not be tolerated as a disciplinary measure. The term will not apply, however, to the use of reasonable physical force in the following situations.

1. For self-defense;
2. To protect other persons from physical injury;
3. To protect property of the school or others;
4. To remove a student who has refused to comply with requests to refrain from disruptive behavior; and
5. To restrain or control a student that is out of control

By law, physical force may be used by the superintendent, principal, supervisor, and teachers and their aids and assistants. This authority extends to any person delegated to supervise children who are authorized to attend a school function away from school premises and to school bus drivers.

Any employee using physical force to control a student will document the incident in writing, with copies given to the principal and superintendent by the close of the following school day. The superintendent will keep the Board apprised of unusual or extreme incidents of the use of physical force.

Inservice training for teachers and staff in the use of alternative, positive measures of discipline will be provided and the superintendent will report to the Board annually regarding training programs provided to staff.

State Reference

SDCL 13-32-2

Description

Physical force authorized when necessary

Adopted Date: October 13, 2008

Review Date: February 7, 2019

RESTRAINT AND SECLUSION

I. Policy Rationale and Philosophy:

The District believes that the school environment should be one in which the care, safety, and welfare of all students and staff members are priorities. In the event that an individual's behavior presents a threat of imminent harm to self or others the use of restraint or seclusion to maintain a safe environment may be used as a last resort.

II. Definitions

- A. Restraint: Personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head of the student freely. Such term does not include physical escort, mechanical restraint, or chemical restraint. Such term does not include:
 - a. Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging a student to move voluntarily to a safe location;
 - b. A behavioral intervention used as a response to calm and comfort an upset student;
 - c. Less restrictive physical contact or redirection to promote student safety;
 - d. Physical guidance or prompting when teaching a skill or redirecting the attention of the student;
 - e. Knocking a weapon away from a student's possession or to break up a fight;
 - f. Physical contact to prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).
- B. Seclusion: Involuntary confinement of a student alone in a room or area from which the student is prevented from leaving but not including classroom timeouts, quiet rooms, in-school detentions/suspensions, or out-of-school suspensions.
- C. Time Out/Quiet Rooms: A behavioral intervention in which a student, for a limited or specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior.

III. Notification

The Platte-Geddes School District will notify the parent or guardian of the student, unless the student is emancipated, of an incident requiring the use of restraint or seclusion. This will be done within the school day if school is still in session that day.

IV. Prone Restraint

No employee of the Platte-Geddes School District will use the method of prone restraint, defined as physical pressure applied to any part of the student's body to keep the student in a face down position on the floor or other surface, except when that use is necessary and reasonable in manner and moderate in degree.

V. Involuntary Confinement

No student will be placed in involuntary confinement in a locked room alone unless there is a clear and present danger.

Adopted: June 11, 2018

Reviewed: February 7, 2019

STUDENT SUSPENSION OR EXPULSION

Serious breaches of standards of behavior may result in suspensions or expulsions from school. A principal is authorized to suspend pupils for not more than ten (10) school days and a Superintendent is authorized to suspend pupils for not more than ninety (90) days. The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety (90) school days.

Any student bringing a firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used or intended primarily for imitative or noisemaking purposes, or any dangerous weapon to school, except as authorized by law, shall be expelled for not less than twelve (12) months and will be referred to law enforcement authorities. The superintendent shall have the authority to decrease the length of expulsion on a case-by-case basis. The policy shall be implemented in a manner consistent with IDEA and Section 504.

A suspension may be imposed, but is not limited to, when a student's behavior creates a threat to his own or other's safety or imposes a threat to property or premises or creates a serious disruption of the school environment. Behavior such as fighting or committing an assault on another; stealing; vandalism; possessing weapons, explosives or other prohibited materials; making a false alarms or terroristic threats; lewd or threatening behavior or language; possession of drugs; or possession of beer or alcoholic beverages on the school premises or at school activities may result in suspensions.

Hearing procedures as established by state regulations will be followed for all students who receive long-term suspensions or expulsion.

In case of a suspension by the Superintendent for more than ten school days, the Superintendent will schedule a hearing before the Board of Education and the hearing shall be scheduled within ten (10) school days of the first day of the student's suspension.

Additional procedures mandated by state and federal law apply to special education students.

Suspension from Extra-Curricular Activities:

If a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended as follows:

First offense: The student shall be suspended one year which shall be reduced to thirty calendar days if the student participates in an assessment with a certified licensed addiction counselor. If a suspension for a first offense is reduced to 30 calendar days, the student is also ineligible for a minimum of two South Dakota High School Activities Association sanctioned events. If two sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until two sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices

Second offense: The student shall be suspended one year. The one year suspension for a second offense shall be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is also ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If suspension is reduced pursuant to 13-32-9, a suspension for a second offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If six sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

A suspension begins on:

1. The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or

marijuana as defined in Chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or

2. The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association.

A suspension that is reduced pursuant to this policy is only in effect during the South Dakota High School Activities Association's activity year, which begins on the first day of its first sanctioned event and concludes on the last day of its last sanctioned event.

A reduced suspension that is not completed by the end of one activity year shall carry over to the next activity year.

In order for events to count toward the minimum number of events for which the student is ineligible following a reduction in the suspension for a first or second offense, the student must participate in the entire activity season. Failure of a student to complete the entire activity season results in the student being ineligible for one year from the date of adjudication, conviction, the subject of an internal adjustment or court approved diversion program, or subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season carries over to the next activity season in which the student participates.

Third offense: Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by statute, by a court of competent jurisdiction, the student is ineligible to participate in any extracurricular activity.

State Reference

ARSD 24:05:26
ARSD 24:05:26.01
ARSD 24:07
SDCL 13-32-4
SDCL 13-32-4.2
SDCL 13-32-5
SDCL 13-32-7
SDCL 13-32-9
SDCL 13-32-9.1
SDCL 13-32-9.2
SDCL 22-11-9.2
SDCL 22-14A-24
SDCL 22-14A-25
SDCL 22-42

Description

Suspension
Expulsion
Student due process
School board to assist in discipline
Procedure for suspension
Injury to school property as grounds
Possession of firearms on premises
Suspension from extracurricular activities
Consequences imposed by local school districts
Reduced suspensions--Commencement of suspension
Falsely reporting a threat
Use of substance or device to communicate felonious threat
Use of hoax substance or device to cause fear
Controlled Substances and Marijuana

Federal Reference

Public Law 103-382

Description

Improving America's Schools Act of 1994

Policy Reference

IGD
IGDI
JFA
JFC
JFCD
JFCH

Description

EXTRA-CURRICULAR ACTIVITIES
INTERSCHOLASTIC ATHLETICS
STUDENT DUE PROCESS RIGHTS
STUDENT CONDUCT
BULLYING
ALCOHOL AND OTHER DRUG USE BY STUDENTS

Adopted: May 14, 2007
Revised Date: April 13, 2015
Reviewed: February 7, 2019

STUDENT SUSPENSION AND EXPULSION - PROCEDURES (Regulation)**PROCEDURAL CHECKLIST FOR SHORT TERM SUSPENSION**

1. Give oral or written notice to student and to parents, guardian, or other responsible person, if available, as soon as possible after discovery of misconduct.
2. The notice is to contain the rule, regulation, or policy violated. The student must be given an opportunity to answer the charges.
3. This process does not involve board participation.
4. The hearing is no more than an informal setting granting the student the opportunity to answer the charges and present his/her side of the story.
5. Superintendent or principal should issue a decision as soon as possible. This may be done right on the spot.
6. If the student is suspended, written notice of due process rights must be provided to the student and the parent, guardian, or other responsible person. An unemancipated minor may not be removed from the school during school without notice to the parent, guardian, or responsible person. Dangerous students may be turned over to law enforcement.

PROCEDURAL CHECKLIST FOR LONG TERM SUSPENSION

1. The Superintendent must prepare and seal a written report to the school board not later than the end of the fifth school day following the first day of a long-term suspension. The Superintendent may request that a hearing be held before the school board. (It is recommended that the school board conduct a hearing for any suspension extending more than ten days.)
2. The Superintendent's report includes the facts of the situation, the action taken, the reasons for the action, and the Superintendent's decision or recommendation. The report remains in the possession of the school board secretary or business manager, sealed and unavailable to individual school board members until and unless a hearing is held. A copy of the report must be sent to the 18-year-old pupil and, as to unemancipated minors, to the parent, guardian, or responsible person at the time it is filed with the secretary or business manager.
3. The Superintendent may exclude the pupil from class or classes by using a short-term suspension procedure. Note: An activity should be considered a class, especially if credit is given for the activity. The Superintendent must give notice to the 18-year-old pupil or the unemancipated minor's parent, guardian, or responsible person of a proposed long-term suspension, and may schedule a hearing. The notice must contain:
 - a. Policy allegedly violated;
 - b. The reason for the discipline;
 - c. Notice of the right to a hearing or the right to waive this hearing;
 - d. A description of the hearing procedure;
 - e. A statement that the records are available for examination; and
 - f. Notice that the pupil may present witnesses.
4. If a hearing is requested, the Superintendent shall set the date, time, and place for the hearing and send notice to the school board members, as well as a notice by certified mail to the 18-year-old pupil or the parents of an unemancipated minor.
5. If no hearing is requested or if the hearing is waived, the proposed action or decision of the Superintendent is final.
6. A hearing may be waived by an 18-year-old pupil or the parents of an unemancipated minor, in writing. If the hearing is not waived, the hearing shall be held as set forth in the notice.

CONDUCTING THE HEARING

1. The school board is the hearing board.
2. The school board shall appoint either one of its own members or someone not an employee of the district as hearing officer. At the commencement of the hearing, the hearing officer should state that the hearing is open at the time and place contained in the notice, should state the reason for the hearing, identify the date of the notice of hearing, identify to whom the notice was provided, and have each person present identify themselves by name.
3. The school board shall arrange the place of hearing with three tables, one for the board, one for the administration, and one for the student.
4. The hearing is closed to the public and a verbatim record will be made and sealed pending court order. (It is recommended that the verbatim record be either a court reporter or a videotape. Audio recordings are less than satisfactory.)
5. Each party may make an opening statement, introduce evidence, present witnesses, and examine and cross-examine witnesses.
6. The school administration shall present its case.
7. Each party may be represented by an attorney.
8. If the school attorney is going to present the administration's case, the attorney should not also advise the board. The board should engage separate counsel in that case.
9. Witnesses, other than the student and his/her representative, are present only while testifying and each witness must take an oath and affirmation administered by the school board president or business manager.
10. Each party may raise objections to relevancy and scope of the questions. All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer.
11. The hearing officer may ask questions of witnesses, as may school board members.
12. Each party may make a closing statement.
13. After the hearing is closed, the board shall deliberate in executive session. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from any attorney not representing a party at the hearing. Any other consultation with any person other than board members during deliberation may occur only if a representative of the pupil is present.
14. The decision must be based upon the evidence presented at the hearing and be contained in a motion made in open meeting. The motion must omit the name of the pupil and must state the reason(s) for the board's action.
15. The 18-year-old pupil or a parent or guardian of an unemancipated minor pupil must be given notice in writing of the board's decision, which must state the length of the suspension or expulsion.
16. The board's decision may be appealed to the circuit court.

SPECIAL EDUCATION STUDENTS

1. If a student attending school on an individualized educational program (IEP) is the subject of a long-term suspension procedure, special considerations apply
2. A long-term suspension of a special education student requires a referral to a placement committee. If the action, behavior, or activity which caused the long-term suspension is the result of the pupil's disability, the placement committee shall prepare a revised IEP and the long-term suspension terminates upon implementation of the plan.
3. Any suspension of more than ten school days constitutes a change in placement and requires prior notice and the right to due process, as specified for a change of placement.

4. A special education student's parent may grant written parental approval for the change in placement.
5. If it is necessary to suspend a special education student for more than ten days and no parental agreement can be achieved for an interim placement or continued suspension, the district must apply to the circuit court for permission to suspend the student.
6. In any such court action, there is a presumption in favor of the current educational placement, which may be rebutted only by showing that the current placement is "substantially likely to result in injury to the pupil or to others."
7. Failure to carefully follow due process procedures with respect to special education students can result in serious ramifications to the district.

Adopted Date: April 13, 2015

Reviewed: February 7, 2019

STUDENT SUSPENSION OR EXPULSION
Notice of Hearing for Long-Term Suspension or Expulsion

You are hereby notified that _____ is charged with violating the following rule, regulation or policy of the Platte-Geddes School District #11-5.

We have in our possession _____ which was seized from _____ at the time of the alleged violation (if material evidence was seized and is had by the superintendent).

Persons witnessing the alleged violation include:_____. (List anyone the administration will call as a witness to prove the violation).

We have set a hearing before the Board to hear this matter on the _____ day of _____, 20_____ at _____ o'clock _____M. at _____.

The hearing shall permit opportunity for _____ or their representative to present their side of the story and confront their accusers and witnesses. The purpose of the hearing is to allow the administration to suspend _____ from _____ for a period of more than ten (10) days. Evidence and all of the student's records are available for inspection by the student, their parent, guardian or other responsible person and their representative.

You are further notified of the right to waive a hearing. Such waiver must be made through written notification to the superintendent at least twenty-four (24) hours prior to the time set for hearing. This right may be exercised by use of the attached waiver form.

Dated this _____ day of _____, 20_____.

(Superintendent of Schools)

Adopted: May 14, 2007

Revised Date: April 13, 2015

Reviewed: February 7, 2019

**STUDENT SUSPENSION OR EXPULSION
HEARING WAIVER**

I hereby waive my right to a hearing in the matter of potential suspension or expulsion from school for the alleged misconduct of _____. Said hearing was set for the _____ day of _____, 20____.

Dated this _____ day of _____, 20____.

_____ (Student)

_____ (Parent, guardian or other responsible person)

_____ (Relationship)

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT SUSPENSION OR EXPULSION
FINDINGS OF FACT**

In the matter of the Proposed Expulsion (Suspension) or _____ DECISION

THE ABOVE ENTITLED MATTER coming on for hearing on the _____ day of _____, 20____, at _____ o'clock __ .m., before the School Board of _____ School District, all members present. President of the Board presiding, and the Board being represented by _____, their attorney; and _____ appearing in person with his/her parents, _____, and by their attorney, _____; and the Board having heard the testimony and having examined and discussed the evidence offered by the witnesses and the matter having been submitted to the Board for decision, the Board does hereby make its decision, (one member dissenting,) to expel (suspend) _____ from any further attendance at _____ for _____ days based upon the following Findings of Fact:

FINDINGS OF FACT

1. The _____ School Board finds that _____ was (in possession of a lit cigarette on _____, 20____, at approximately 9:40 a.m. within the confines of the men's toilet in the _____ School.)
2. The _____ School Board finds that said conduct by _____ was in violation of the _____ School District's policy (prohibiting smoking by students in school buildings.)
3. The _____ School Board finds that said action constituted a (second) violation of said Board policy.
4. The _____ School Board finds that _____ and his/her parents, _____ had been given notice of the punishment to be recommended upon a (second) violation.

Dated at _____, South Dakota, this _____ day of _____, 20_____.

_____ (President, School Board)

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT SUSPENSION OR EXPULSION
NOTICE TO PARENT OF SPECIAL EDUCATION STUDENT**

You are hereby notified that the _____ School Board has determined that _____
[student's name] should be suspended for more than ten days.

You are further notified that this action is being referred to the _____ School District's Placement Committee, which shall immediately make a determination of whether the conduct causing the suspension arises from the student's disability or handicapping condition. If it is found to arise from the student's condition, a new individualized education program (IEP) will be established and the suspension shall thereafter cease. If the action for which the discipline is imposed did not arise from the student's handicapping condition or disability, the student will continue to receive special education and related services, but will be suspended from all other aspects of the school. The District may apply to circuit court to exclude the student from school if there is a substantial likelihood that maintaining the current placement is likely to result in injury to the pupil or others.

Finally, you are notified that you have available to you the due process rights of the state and federal special education laws.

Adopted: April 13, 2015

Reviewed: February 7, 2019

STUDENT HEALTH

The Board realizes its responsibility to help protect and improve the health of students. The Board, therefore, will contract with the South Dakota Department of Health for services of the county health nurse for the district schools.

Student health services as provided by the South Dakota Department of Health will include the following:

1. Health assessments for students in grades kindergarten and fifth grade and any school child on referral with the written consent of the parent or guardian.
2. Scoliosis screenings for girls in grades five and seven and for boys in grades five and eight. Screenings may also be held for any school child on referral with the written consent of the parent or guardian.
3. Vision screening for grades kindergarten, first, third, fifth, seventh and eighth, and also for any school child on referral with the written consent of the parent or guardian.
4. Developmental screening for pre-kindergarten children and any school age child on referral.
5. Emergency service for injury will be through local health facilities.
6. Student education will be also be provided in the following areas: growth and development, nutrition and hygiene.

Of necessity, the health services provided will be limited largely to the detection and prevention of health problems, referral of problems through parents to the family physician, and emergency care.

Liability insurance will be provided employees to cover actions authorized by law.

State Reference

ARSD 20:48:04.01:09	Registration required for delegated medication administration
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

Description

Policy Reference

JHCDB	EPINEPHRINE AUTO-INJECTORS
JHCDA	STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION
JHCD	ADMINISTRATION OF MEDICATIONS TO STUDENTS

Adopted: May 14, 2007

Revised Date: April 13, 2015

Reviewed: February 7, 2019

PHYSICAL EXAMINATIONS AND INOCULATIONS OF STUDENTS

The Board encourages parents and students to preserve and protect each student's general health. The Board will, therefore, recommend that each child should have a complete physical examination by a licensed physician, physician assistant or mid-level practitioner upon entrance to the kindergarten or first grade, and upon entering fourth, eighth and twelfth grades. All new entrants to the school system will also receive a recommendation for a physical examination.

Any child entering school or an early childhood program in the District, shall, prior to admission, be required to present to the appropriate school authorities certification from a licensed physician that the child has received or is in the process of receiving adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, meningitis, and varicella, according to recommendations provided by the Department of Health. The Department of Health may modify or delete any of the required immunizations. As an alternative to the requirement for a physician's certification, the child may present:

1. certification from a licensed physician stating the physical condition of the child would be such that immunization would endanger the child's life or health; or
2. a written statement signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such immunization;

Any child entering an early childhood program, kindergarten, sixth grade, and any student transferring into the District, shall present such certification as required by the S.D. Department of Health regulations unless a medical or religious exemption authorized by Department of Health regulations applies.

Physical examinations may also be required for all students who participate in interscholastic athletics and other school activities. The examination would be administered by a licensed physician, physician assistant, or a mid-level practitioner.

Annually, students will also be subject to routine health screenings for hearing and visual acuity, and dental, scoliosis, and communicable diseases.

Pursuant to state law, the school board or superintendent may, with the concurrence of the county health officer, exclude from school attendance a student who is determined to be a risk or nuisance to the health of other students or school employees due to the presence of infectious disease or communicable parasite. A student may be readmitted when the school board or school superintendent, with the concurrence of the county health officer, determines that the state of communicability or infectiousness no longer exists.

State Reference

ARSD 44:81

SDCL 13-28-7.1

SDCL 13-28-7.2

SDCL 13-28-7.3

Description

Immunization requirements for school entry

Tests and immunizations for communicable diseases

Immunizations provided at public expense

Exclusion of student for risk of infectious disease

Policy Reference

JEC

Description

SCHOOL ADMISSIONS

Adopted: May 14, 2007

Revised Date: April 13, 2015

Reviewed: February 7, 2019

STUDENT COMMUNICABLE DISEASES

The board recognizes the need and right of all children to receive free and appropriate education. The board further recognizes its responsibility to provide a healthy environment for all students and school employees.

Students who are afflicted with a communicable, contagious, or infectious disease and who are infected with communicable parasites, or who are liable to transmit such a disease or parasite, may be excluded from school attendance.

A determination of whether an infected student be excluded from the classroom or school activities shall be made on a case-by-case basis, under the direction of the building administrator or designee.

Advisory Committee

In situations where the decision to exclude a student from school attendance requires additional expertise and knowledge, the building administrator will refer the case to an advisory committee for assistance in the decision making. The advisory committee may be composed of: A representative from the State or County Health Department; the student's physician; the student's parents or guardian(s); the school principal or designee; the superintendent or designee; and primary teacher(s).

In making the determination, the advisory committee shall consider; The characteristics of the contagious disease; the medical condition of the student; the expected type(s) of interaction with others in the school setting; the impact on both the infected student and others in that setting; the South Dakota Department of Health guidelines and policies; the recommendation of the County Health Officer, which may be controlling.

The advisory committee may officially request assistance from the State Department of Health, Center for Disease Control, or other experts.

If it is determined that the student will not be permitted to attend classes or participate in school activities, additional medical information may be needed before the student may return to school. If an infected student is not permitted to attend classes for ten consecutive school days, arrangements will be made to provide an alternate educational program. If that requires personal contact between student and school employees, only trained volunteer employees shall be utilized.

Confidentiality

Public information will not be revealed about any student who may be infected. If the student is permitted to remain in the school setting information will be provided, as appropriate, to school employees who have regular contact with the student, as to the student's medical condition and other factors needed for consideration in carrying out job responsibilities.

Health Guidelines

It shall be the duty of the Superintendent to establish regulations in accordance with this policy. The regulations shall contain infection control practices to be observed within the schools and may include guidelines to be used as a resource in determinations related to school attendance.

State Reference

SDCL 13-28-7.3

Description

Exclusion of student for risk of infectious disease

Adopted: May 14, 2007

Revised Date: April 13, 2015

Reviewed: February 7, 2019

STUDENT COMMUNICABLE DISEASE GUIDELINES (Regulation)

Numerous communicable diseases may affect a school-age population and/or school staff. Some of these have high degree of communicability. Some are life threatening in nature. Some are both.

Disease and Incubation Period*	Rules for School Attendance
Acquired Immune Deficiency Syndrome (AIDS) *6 months-five years	Determination will be made by the Advisory Committee as outlined in the Communicable Disease Policy
Chicken Pox *14-21 days	The student may attend school after all pox are dry and scabbed.
Cytomegalovirus (CMV) Salivary Gland Viruses	The student may attend school. Precautions should be taken by contacts with immunosuppression as anti-cancer or organ transplants as well as anyone with suspected or known pregnancy. Good hand washing in all cases should eliminate risk of transfer of infection.
Fifth Disease (Erythema Infectiosum) *6-14 days	The student may attend school with physician's permission
Giardiasis Intestinal Protozoan Infection *5-25 days or longer	The student may attend school if the student practices independent and hygienic bathroom skills. Other students may attend school after the third day of drug treatment. Good hand washing in all cases should eliminate risk of transfer of infection.
Herpes Simplex *2-12 days	The student may attend school during an active case if the student has the ability and practices personal hygiene precautions and the area of lesion is covered.
Impetigo *variable 4-10 days	The student may attend school if treatment is verified and covered or dry.
Infectious Hepatitis *15-40 days (Average 25 days)	The student may attend school with physician's written permission and if the student has the ability to take appropriate personal hygiene precautions.
Measles (Red,Hard, Rubeola, 7-day) *8-14 days	The student may attend school after a minimum of seven (7) days. Students who have had contact with measles may attend school if immunization is up to date.
Infectious Mononucleosis (Glandular Fever) *2-6 weeks	The student may attend school with physician permission. The student may need adjusted school days and activities.
Mumps *12-21 days	The student may attend school after swelling has disappeared.
Pediculosis (Lice)	The parent of a student found to have live head lice will receive a personal call or a note sent home regarding treatment. The student may attend school after treatment. A student with live lice may be excluded immediately in the event of frequent or repeated infestations or at the discretion of the county nurse.
Pink Eye (Conjunctivitis) *5-12 days	The student may attend school after the eye is clear, under treatment or with physician's written permission.
Plantar's Wart	The student may attend school. Students should not be permitted to walk barefoot.
Ring Worm (Scalp, Body, Athlete's Foot)	The student may attend school if the area is under treatment and covered. Restrict known cases of athlete's foot from pools and showers until under treatment.
Rubella (3-day German measles) *14-21 days	The student may attend school after a minimum of 4 days. Prevent exposure of pregnant women.
Scabies (7-year itch, Mites)	The student may attend school after treatment.

Streptococcal Infections Fever, Scarletina, Strep Throat) *1-3 days	The student may attend school 24 hours after initiating oral antibiotic therapy and (Scarlet clinically well.
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All communicable and chronic diseases should be reported to Health Services.

*Time interval between initial contact with an infectious agent and the first sign or symptom of the disease.

<u>State References</u>	<u>Description</u>
SDCL 13-28-7.3	Exclusion of student for risk of infectious disease
SDCL 1-27-3	Records declared confidential or secret

Adopted: May 14, 2007
Revised Date: April 13, 2015
Reviewed: February 7, 2019

ADMINISTRATION OF MEDICINE TO STUDENTS

Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by designated school personnel acting under specific written request of the parent or guardian and under the written instructions of the student's physician.

When such a request is made by a parent or guardian, a full release from the responsibilities pertaining to the administration and consequences of such medications must also be presented to the principal by the student's parent or guardian.

Parent/guardian requests to store and/or administer prescription or nonprescription medications to students must be in writing, on a Consent for Medication Administration District Form. The Consent for Medication Administration must be completely filled out, signed and dated by the parent/ guardian. The Consent for Medication Administration must be renewed annually. Any product that could be considered a drug, including "natural remedies", herbs, vitamins, dietary supplements or homeopathic medications will be managed as a prescription medication. These products would require a written order from a physician or licensed health care provider and completion of a Consent for Medication Administration by the parent/guardian.

When medication is brought to school for a student, the student's teacher, building principal, nurse or secretary will be made aware that the student will be taking medication. If a child has medication at school without prior notification the parent/guardian will be contacted. Medications should be transported to and from school by a parent/guardian.

All medications must be stored in a locked medicine cabinet, managed by school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in a pharmacy labeled container. The label must specify the student's name, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container.

It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

Prescription medication administration may be delegated to individuals who have successfully completed the training program as required by law or by school personnel with parent permission for medication administration.

<u>State Reference</u>	<u>Description</u>
ARSD 20:48:04.01:09	Registration required for delegated medication administration
SDCL 13-32-10	Definition of terms regarding self-administration of medication
SDCL 13-32-11	Student self-administration of prescription asthma and anaphylaxis medication
SDCL 13-32-12	Disciplinary action regarding self-administration of medication
SDCL 13-32-13	Applicability of provisions regarding self-administration of medication
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

<u>Policy Reference</u>	<u>Description</u>
JHCDB	EPINEPHRINE AUTO-INJECTORS
JHCDA	STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATIONS
JHCDC	DIABETES HEALTH CARE AND INSULIN ADMINISTRATION
JHC	STUDENT HEALTH

Adopted October 27, 1986
 Revised Date: April 13, 2015
 Reviewed: February 7, 2019

**ADMINISTRATION OF MEDICATIONS TO STUDENTS
CONSENT FORM**

1. I am the parent/guardian of _____ and I authorize my child/ward _____, grade _____, to be administered the prescription/nonprescription medication identified below while on school property or at a school-related event or activity by the designated school personnel trained in the administration of prescription medication.
2. I hereby release the District and its employees and agents from liability for injury arising from the school's administration of the medication while on school property or at a school-related event.
3. I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student's immediate access to the medication.
4. I authorize the school to inform appropriate school employees who would have a need to know of the administration of medication (i.e., such as school nurse, instructors, teacher aides, school administrators, activity supervisors, bus drivers).
5. I acknowledge and agree that the school shall secure (store) the medication for the student until administration of the medication is necessary, and that in no circumstances shall the medication be stored in the student's locker.

Medication: _____

Dose: _____

Time: _____

Authorization Start Date: _____

Authorization End Date: _____

Signature of Parent/Guardian

Date

Adopted: April 13, 2015

Reviewed: February 7, 2019

STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION

“Self-administration of prescription medication” means a student’s discretionary use of prescription asthma or anaphylaxis medication, or both.

Any student with asthma or anaphylaxis, or both, may possess and self-administer prescription medication while on school property or at a school-related event or activity if

- (1) the prescription medication has been prescribed by a physician or other licensed health care provider for that student as indicated by the prescription label on the medication;
- (2) the self-administration is done in compliance with the prescription or written instructions from the student’s physician or other licensed health care provider; and
- (3) the parent/guardian of the student provides to the school, on a form provided by the school:
 - (a) written authorization, signed by the parent/guardian, for the student to self-administer prescription medication while on school property or at a school-related event or activity;
 - (b) a written statement, signed by the parent/guardian, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student’s self-administration of prescription medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;
 - (c) a written statement from the student’s physician or other licensed health care provider, signed by the physician or provider and which shall be kept on file in the office of the school nurse, that states:
 - (i) the student has asthma or anaphylaxis or both, and is capable of self-administering the prescription medication;
 - (ii) the name and purpose of the medication;
 - (iii) the prescribed dosage for the medication;
 - (iv) the times at which or circumstances under which the medication may be administered; and
 - (v) the period for which the medication is prescribed.
- (4) If any student uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school; however, the disciplinary action may not limit or restrict the student’s immediate access to the medication.
- (5) The parent/guardian (or student, if 18 years old or older), authorizes the designated school personnel to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.
- (6) The parent/guardian gives permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event.

State Reference

SDCL 13-32-10	Definition of terms regarding self-administration of medication
SDCL 13-32-11	Student self-administration of prescription asthma and anaphylaxis medication
SDCL 13-32-12	Disciplinary action regarding self-administration of medication
SDCL 13-32-13	Applicability of provisions regarding self-administration of medication
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

Description

Policy Reference

JHCDB	EPINEPHRINE AUTO-INJECTORS
JHCDC	DIABETES HEALTH CARE AND INSULIN ADMINISTRATION
JHC	STUDENT HEALTH
JHCD	ADMINISTRATION OF MEDICATIONS TO STUDENTS

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION
AUTHORIZATION FORM
PHYSICIAN/LICENSED HEALTH CARE PROVIDER STATEMENT**

The student _____ has
_____ asthma _____ anaphylaxis _____ both asthma and anaphylaxis

and is capable of self-administering the following prescription medicine:

name and purpose of medication _____

prescribed dosage of medication _____

times at which or circumstances under which the medication may be administered

period for which the medication is prescribed _____

Signature of Physician/Other Licensed Health Care Provider

Date

PARENTAL AUTHORIZATION

1. I am the parent/guardian of _____ and I authorize my child/ward _____ to self-administer the prescription medication identified above while on school property or at a school-related event or activity.
2. I hereby release the District and its employees and agents from liability for injury arising from the student's self-administration of the prescription medication while on school property or at a school-related event unless in case cases of wanton or willful misconduct.
3. I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student's immediate access to the medication.
4. I authorize the designated school personnel to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.
5. I give permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event.

Signature of Parent/Guardian

Date

Adopted: April 13, 2015

Reviewed: February 7, 2019

EPINEPHRINE AUTO-INJECTORS

The District may acquire and maintain a stock of epinephrine auto-injectors pursuant to a prescription issued by an authorized health care provider for use in an emergency situation of a severe allergic reaction causing anaphylaxis.

All epinephrine auto-injectors must be stored in a locked medicine cabinet, managed by school personnel trained in administration of epinephrine auto-injector or administration of medication. Epinephrine auto-injectors to be stored and/or administered must be in a pharmacy labeled container. The label must specify the name of physician/licensed health care provider, the date of the prescription and the directions for use.

No school employee, other than designated school personnel, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of epinephrine auto-injectors, or shall be required to administer epinephrine auto-injectors, without the employee's prior written consent. Any designated school personnel authorized by the School Board, may:

- (1) administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student on file with the school;
- (2) administer an epinephrine auto-injector to any student during school hours if the designated school personnel believe that the student is experiencing anaphylaxis in accordance with a standing protocol from an authorized health care provider, regardless of whether a student has a prescription for an epinephrine auto-injector or has been diagnosed with an allergy.
- (3) prior to administering an epinephrine auto-injector made available by the school, each designated school personnel shall be trained by a licensed health care professional:
 - (a) to recognize the symptoms of a severe allergy or anaphylactic reaction;
 - (b) to know the procedure for the administration of an epinephrine auto-injector;
 - (c) to know the procedure for storage of an epinephrine auto-injector; and
 - (d) to know the emergency care and aftercare for a student who has an allergic or anaphylactic reaction.

Pursuant to state law, no administrator or designated school personnel, the District or the School Board, that makes available or possesses or epinephrine auto-injectors pursuant to law, may be held liable for any injury or related damage that results from the administration of, self-administration of, or failure to administer an epinephrine auto-injector that may constitute ordinary negligence, however, this immunity does not apply to an act or omission constituting gross, willful, or wanton negligence.

The District, through the student handbooks and such other means as identified by the Superintendent, shall notify the parents or guardians of each student about the policy.

<u>State Reference</u>	<u>Description</u>
ARSD 20:48:04.01:09	Registration required for delegated medication administration
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

<u>Policy Reference</u>	<u>Description</u>
JHCDA	STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION
JHC	STUDENT HEALTH
JHCD	ADMINISTRATION OF MEDIATIONS TO STUDENTS

Adopted: April 13, 2015
 Reviewed: February 7, 2019

ADMINISTRATION OF OPIOID ANTAGONISTS

The Board may acquire opioid antagonists and make them available to personnel who are trained by the SD Department of Health (SD DOH) or equivalent to possess and administer the medication for opioid overdose situation in accordance with state law and administrative rules.

Before school personnel may administer an opioid antagonist in the event of a suspected opioid overdose, training must be provided by an individual qualified to do so.

The training must include:

1. Signs and symptoms of an opiate overdose;
2. Protocols and procedures for administration of an opioid antagonist;
3. Signs and symptoms of adverse responses to an opioid antagonist;
4. Protocols and procedures to stabilize the patient if an adverse response occurs;
5. Procedures for transporting, storing, and securing an opioid antagonist.
6. Opioid antagonist duration;
7. The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim; and
8. The method of opioid antagonist administration being taught.

Any school personnel who will have access to the medication and who may administer the medication must receive the required training. Training provided by the SD DOH is at no cost to the District. Training is not required for school personnel who will not have access to the medication or who will not potentially be administering the medication.

Naloxone is an opioid antagonist that comes in either an injectable form or a nasal spray. The medication provided to the schools through the SD DOH will be the nasal spray, and therefore, the SD DOH training will focus exclusively on the nasal spray. The cost of the medication provided by or through the SD DOH will be at no cost to the District. All opioid antagonists must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in administration of opioid antagonists or administration of medication.

A standing order by a physician is required for the District to possess the medication. The SD DOH has identified a contract physician who will provide the standing order for the District.

Because opioid antagonists are used in opioid overdose emergency situations, prior parental consent is not required before administration of an opioid antagonist.* Emergency medical services and the parents or guardians will be contacted immediately following the administration of an opioid antagonist.

The District will report naloxone use to the SD DOH on a form developed by SD DOH.

Pursuant to state law, no school district, administrator, school board member, school nurse, or designated school personnel possessing or making available opioid antagonists in accordance with state law, and no health care professional providing training in relation thereto, may be held liable for any injury or related damage that results from the administration of, the self-administration of, or the failure to administer an opioid antagonist, if such action or inaction constitutes ordinary negligence. This immunity does not apply to an act or omission constituting gross, willful, or wanton negligence. The administration of an opioid antagonist does not constitute the practice of medicine. The immunity provided pursuant to SDCL 13-34A-24 is in addition to, and not in lieu of, any other immunity provided by law.

NOTES: Adapt Pharma, the company that manufactures Narcan (a brand name of naloxone), has offered to all South Dakota high schools an initial supply (two doses) of the medication free-of-charge. The SD DOH has also committed to re-supplying the medication free-of-charge when necessary as long as DOH has the medication available in their stockpile.

* SDCL 20-9-4.1. Immunity from liability for emergency care--Exception. No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such as a volunteer, or any other person is liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief from liability for civil damages extends to the operation

of any motor vehicle in connection with any such care or services. Nothing in this section grants any relief to any person causing any damage by his willful, wanton or reckless act of commission or omission.

<u>State Reference</u>	<u>Description</u>
ARSD 20:78:06:02	Criteria for training a first responder
SDCL 13-33A	School health services
SDCL 13-33A-10	Training on administration of opioid antagonists
SDCL 13-33A-11	Immunity from liability for injuries or damages associated with administration of opioid antagonists
SDCL 13-33A-9	Possession and administration of opioid antagonists by school personnel
SDCL 20-9-4.1	Immunity from liability for emergency care

<u>Policy Reference</u>	<u>Description</u>
JHCDA	STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION
JHC	STUDENT HEALTH
JHCD	ADMINISTRATION OF MEDICATIONS TO STUDENTS

Adopted: September 9, 2019

STUDENT PSYCHOLOGICAL SERVICES

A teacher or administrator may not refer a student for psychiatric treatment either within or outside the school without the prior written consent of the student's parent or legal guardian.

State Reference

SDCL 13-32-3

Description

Reference for psychiatric treatment prohibited without parents' consent

Adopted: May 14, 2007

Review Date: February 7, 2019

STUDENT WELFARE CRISIS INTERVENTION

The Board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm. A crisis impacts all members of a school community. The District believes that the school should provide support of the school community while ensuring accurate and sensitive communication.

The District may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the District for the purposes of identifying students in need of early mental health intervention or suicide prevention

When the Administration receives a report about a student, it shall determine if the student's parent or guardian should be notified. If so notified, the administration will also provide information about available counseling options.

District policy and procedures are not intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. District policy and procedures are intended to notify a parent or guardian of a need for mental health intervention so that a parent or guardian may take appropriate action. School districts do not have the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

Adopted: April 13, 2015

Reviewed: February 7, 2019

SUPERVISION OF STUDENTS

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school, and the school is responsible for them. School personnel assigned to their supervision serve in loco parentis.

The Board expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonable prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his or her assigned group unsupervised except as an arrangement has been made to take care of an emergency.

During school hours, or while engaging in school sponsored activities, students will be released only into the custody of parents or other authorized persons.

The school administration will assure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Superintendents and principals may discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor on the school or its programs.

<u>State Reference</u>	<u>Description</u>
SDCL 13-32-1	Disciplinary authority over students on school premises
SDCL 22-42-19	Drug free zones created

Adopted: May 14, 2007

Revised Date: April 13, 2015

Reviewed: February 7, 2019

STUDENT SAFETY PATROL

Safety patrols may be organized by school principals with the approval of the Superintendent. The safety patrols will instruct, direct, and control students in crossing streets only in the immediate vicinity of the school. Members of safety patrols will have no authority over any persons other than pupils. They will serve only with the consent of their parents or guardians, and will, at all times, be under the charge of a teacher or other responsible adult adviser appointed by the principal. The safety patrols will be supervised by the principals in each building.

To protect the health and safety of all adults and student safety patrols, the Board may purchase health, accident, and liability insurance.

State Reference
SDCL 13-32-8

Description
School safety patrols

Adopted: April 13, 2015

Reviewed: February 7, 2019

REPORTING CHILD ABUSE

The term, abused or neglected child, means a child:

1. Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
2. Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;
3. Whose environment is injurious to the child's welfare;
4. Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being;
5. Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;
6. Who is threatened with substantial harm;
7. Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture;
8. Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care;
9. Who was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner; or
10. Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.

Any teacher or other school employee, who suspects that a child under 18 years of age has been neglected or abused by a parent or other person, will report orally or in writing this information to the building Principal or Superintendent. The Principal or Superintendent shall immediately report this information to the state's attorney, the department of social services, or to local law enforcement. The teacher or other school employee who witnessed the disclosure or evidence of the abuse or neglect must be available to answer questions when the initial report is made. If the Principal or Superintendent does not confirm to the teacher or other employee within 24 hours that the report has been submitted, the employee will report the information directly to the state's attorney, the department of social services, or to local law enforcement.

The report will contain the following information: name, address, and age of child; name and address of parent or caretaker; nature and extent of injuries or description of neglect; and any other information that might help establish the cause of injuries or condition.

School employees, including administrators, will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection, but only to report suspicions of abuse or neglect.

Anyone who participates in making a report in accordance with the law and in good faith is immune from any civil or criminal liability that may otherwise arise from the reporting, or from any resulting judicial proceeding, even if the suspicion is proved to be unfounded.

Information or records concerning reports of suspected abuse or neglect are confidential. The release to persons other than those provided by law is a class one misdemeanor. Failure to make a report of abuse or neglect is a class one misdemeanor.

Copies of this policy will be distributed by the Superintendent to all school employees at the beginning of each school term, and to new employees when they begin employment if at a different time than the beginning of the school term.

State Reference

SDCL 22-6-2

SDCL 26-8A (§§3 & 6-15)

Adopted: May 14, 2007

Revise Date: April 13, 2015

Reviewed: February 7, 2019

Description

Misdemeanor classes and penalties

Protection of children from abuse or neglect

STUDENT GIFTS AND SOLICITATIONS

Solicitations

The solicitation of donations and contributions from students will be restricted to fund-raising drives approved by the Board.

Any outside organization desiring to distribute flyers or other materials to students in connection with fund-raising drives may do so only with the approval of the superintendent.

Gifts

Students will be discouraged from the routine presentation of gifts to district employees. When a student feels a spontaneous desire to present a gift to a staff member, the gift may not be elaborate or unduly expensive. The Board will consider as always welcome, and in most cases more appropriate than gifts, the writing of letters to staff members expressing gratitude or appreciation.

Policy Reference

GBI
KI

Description

STAFF GIFTS AND SOLICITATIONS
PUBLIC SOLICITATIONS AND ADVERTISING IN THE SCHOOLS

Adopted: May 14, 2007

Review Date: February 7, 2019

STUDENT FEES, FINES, AND CHARGES

It is a responsibility of the Board to assure that the children of the district are provided with free public education. Therefore, no fee or charges may be required as a condition of school year attendance, credit in a required course, or for materials or activities that are part of a course requirement. Neither may a fixed activity fee be required of all students, nor class dues exacted. Students will be responsible for the cost of replacing any school district materials or property that is lost or damaged through the student's negligence.

Certain fees and charges, however, may be established under the following conditions:

1. When established to pay for optional activities that are not part of the regular school program, nor essential to success in a course.
2. When established to pay for materials that are optional for use in a course, and when grades or credit are not dependent on their use.
3. When established to pay for materials that will result in shop products, clothing, or other items that the student will take home for personal use.

Certain other items or equipment required of students for personal use may be purchased by the school system and rented to the student. When these are no longer needed by the student, they may be returned to the school, with a refund of the rental fee, dependent upon their condition.

The Board will annually review a list of fees and charges proposed at the various school levels. In making recommendation, school administrators will consider the cost of the time and bookkeeping involved in collecting fees and rental charges for minor items.

State Reference

SDCL 13-34-23

Description

Loan of textbooks

Policy Reference

JNB

Description

DELINQUENT STUDENT FEES, FINES AND CHARGES

Adopted: May 14, 2007

Review Date: February 7, 2019

LOANING OF TEXTBOOKS

Textbooks will be loaned to children ages 5 through 19 who are not enrolled in the school district or a school supported by any other governmental entity upon written request by the child or the child's parent or guardian made prior to (May 1st) preceding the school term of use. Textbooks include print and digital materials, but not computer hardware.

Textbooks loaned shall be the same textbooks normally used by the students enrolled in the schools.

If new textbooks must be purchased to meet the request of children not enrolled in the schools, the Board may limit the number of textbooks per student to be purchased for loan to the same amount of new textbooks that is furnished to the students enrolled in the schools.

<u>State Reference</u>	<u>Description</u>
SDCL 13-34-23	Loan of textbooks
SDCL 13-34-24	Persons enrolled in other than local school district excepted

Adopted: April 13, 2015

Reviewed: February 7, 2019

DELINQUENT STUDENT FEES, FINES AND CHARGES

To insure the payment of bills, the business manager shall send a letter to the parents/guardians notifying them that their student owes one or more fees, fines, or other charges in the amount of \$_____ or more and the reason the money is owed to the school district. The letter shall inform the parents/guardians that if the amount owed is not paid in full within sixty (60) days of the letter being mailed to the parents/guardians, the account shall be considered delinquent and the District shall file a complaint in Small Claims Court.

The business manager shall file a Small Claims Court complaint if the account is not paid in full within sixty (60) days of the letter being mailed to the parents/guardians.

State Reference

SD Unified Judicial System
SDCL 15-39

Description

Small Claims Court
Small Claims Procedure

Policy Reference

JN

Description

STUDENT FEES, FINES, AND CHARGES

Adopted: September 9, 2019

DELINQUENT STUDENT FEES, FINES AND CHARGES -SMALL CLAIMS COURT INFORMATION

The School District is authorized by law to initiate legal action in Small Claims Court to recover money due to delinquent student fees, fines and charges. The procedures are designed so that while either or both parties may have legal representation during the legal proceedings legal representation is not required and the parties may address their own claim or defense in court.

The current maximum limit set by law for small claims actions is \$12,000.

The School District would be the Plaintiff. The parent/guardian from whom the School District seeks to recover money due to delinquent student fees, fines or charges would be the Defendant(s).

Forms required to be filed with the Clerk of Courts are:

- Case Filing Statement (for each party)
- Plaintiff's Statement of Claim, and
- Affidavit of Non-Military Status

The Clerk of Courts in the county can explain the process and will help file the necessary papers in the proper court.

Starting the Small Claims Action:

1. Determine the county where to file. A Small Claims Court action must be filed either where the defendant lives or in the county where the loss occurred.
2. Case Filing Statement Form: This form is completed by the School District and is filed with the Clerk of Courts. It includes names, addresses, phone numbers, dates of birth, driver license numbers, attorney information if applicable and other information.
3. Plaintiff's Statement of Claim Form: The School District must provide a signed written statement, describing how the loss or damage occurred. This statement, along with supporting documents (receipts, cost estimates, etc.), must be filed with the Clerk of Courts.
4. All fees and the court costs for filing a small claims action are paid by the School District at the time of filing. The fee for starting the action, and the postage and service cost required, may be added to the damages claimed against the defendant.

Pre Trial:

1. When the Clerk accepts the Case Filing Statement, the Plaintiff's Statement of Claim and the necessary fees, the case will be entered on the small claims docket.
2. Once the papers are filed and the action is docketed and placed on the court calendar, the Clerk will send by certified mail notice of the lawsuit to the defendant.
3. If the defendant wishes to contest the School District's claim, the defendant must file an answer with the Clerk of Courts office within the time limit specified in the notice sent by the Clerk of Courts. If the defendant fails to comply properly with the notice, the defendant may lose the case by default and have a judgment entered against him/her and in favor of the School District. The defendant may wish to have the action transferred to Circuit Court. The procedure for this can be found in the South Dakota Codified Laws.
4. Affidavit of Non-Military Status Form: Before a default judgment may be entered by the Court, the School District is required to file an affidavit stating whether the defendant is in the military service and show necessary facts to support the affidavit.
5. If the defendant wishes to settle the action out of court, the defendant may do so, however, it is entirely up to the School District to decide whether to accept the offer of the defendant. If settled out of court, the School District will not receive a refund of the filing fee or other costs. The School District must give notice of the settlement to the Clerk of Courts.

Trial:

1. At the trial, either party may bring in witnesses to testify and introduce other evidence. Witnesses are placed under oath. The judge may ask questions of the parties and their witnesses in order to clarify the facts.
2. The judge may announce his decision right away after all necessary and available testimony or he may delay the decision and put the judgement in writing at a later date.
3. A small claims judgement cannot be appealed to a higher court.

Judgment:

1. The award of a judgment does not guarantee payment of the claim. The Court makes the decision and records the judgment, it does not enforce collection. While the entry of judgment does create a recorded lien against the

debtor, it does not guarantee payment of the debt. The School District may utilize the services of a collection agency to recover the judgment from the defendant.

2. When the claim has been paid in full, the School District receiving payment should inform the Clerk in writing that full payment has been received. The Clerk will then satisfy the judgement.

For more information on Small Claims Court including a detailed brochure and the required forms go to http://ujs.sd.gov/Small_Claims/. More information is also available at SDCL Ch 15-39, Small Claims Procedure.

Adopted: September 9, 2019

A Federal law, the Family Educational Rights and Privacy Act, commonly called FERPA, requires prior written consent from a student's parent or guardian (or student age 18 or older) prior to any disclosure of a student's educational records unless a specific exception is applicable such that prior written consent is not required.

A student's educational records are those records that are:

- (1) directly related to a student; and
- (2) maintained by the District or by a party acting for the District.

Student educational records do not include:

- (1) records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record,
- (2) records of the law enforcement unit of the District, subject to certain limitations,
- (3) records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity,
 - (ii) made, maintained, or used only in connection with treatment of the student, and
 - (iii) disclosed only to individuals providing the treatment. (For the purpose of this provision, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution,
- (4) records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student and
- (5) grades on peer-graded papers before they are collected and recorded by a teacher.

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that certain conditions are met.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to certain limitations.
- To organizations conducting studies for, or on behalf of, the school, in order to:
 - (a) develop, validate, or administer predictive tests;
 - (b) administer student aid programs; or
 - (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.

- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain limitations.
- Information the school has designated as “directory information.”

The District shall not collect information which is not necessary for the determination of student academic progress, state and federal reporting requirements, or other duties prescribed to a school district, or for the calculation of funding for public education.

State Reference

ARSD 24:43:09:02
 SDCL 13-3-51
 SDCL 13-3-51.1
 SDCL 13-3-51.2
 SDCL 13-3-51.3
 SDCL 13-3-51.4
 SDCL 13-3-51.5
 SDCL 13-3-51.6

Description

Student records
 Data reporting and record systems
 Definitions regarding privacy of records
 Information not subject to survey, analysis, or evaluation without consent
 Prohibition against reporting personally identifiable information
 Department to develop security measures to protect personally identifiable information
 Disclosure of aggregate data otherwise allowed
 Disclosure of aggregate data necessary for impact aid

Federal Reference

CFR Title 34 Part 99
 USC Title 20 §1232g

Description

Family Educational Rights and Privacy Act (FERPA)
 Family Educational Rights and Privacy Act (FERPA)

Policy Reference

JOB
 IL
 ILB
 KBA

Description

STUDENT SURVEYS
 TESTING PROGRAMS
 STATE REQUIRED ASSESSMENTS
 PUBLIC'S RIGHT TO KNOW

Adopted: May 14, 2007
 Revised Date: April 13, 2015
 Reviewed: February 7, 2019

The Family Educational Rights and Privacy Act (FERPA) affords parents, guardians and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the District receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the District to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that certain conditions are met.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal -or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to

effectively serve, prior to adjudication, the student whose records were released, subject to certain limitations.

- To organizations conducting studies for, or on behalf of, the school, in order to:
 - (a) develop, validate, or administer predictive tests;
 - (b) administer student aid programs; or
 - (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain limitations.
- Information the school has designated as “directory information.”

Adopted: April 13, 2015

Reviewed: February 7, 2019

STUDENT DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the District, with certain exceptions, obtain written consent from parents, guardians or from students who are 18 years of age or older ("eligible students"), prior to the disclosure of personally identifiable information from the student's education records. The main exception is that the District may disclose designated "directory information" without written consent, unless the parent, guardian or eligible student has informed the District that prior written consent is required before disclosing the directory information. The primary purpose of directory information is to allow the District to include this type of information from the student's education records in certain school publications.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's, guardian's or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require the District to provide military recruiters, upon request, with the names, addresses and telephone listings of the students unless parents or guardians have advised the District that they do not want their student's information disclosed without their prior written consent.

If a student's parent, guardian or an eligible student, does not want the District to disclose directory information from the student's education records without prior written consent, the student's parent, guardian or an eligible student must notify the District in writing within thirty (30) days of the beginning of the school year or, if enrolling after the beginning of the school year, within thirty (30) days of enrollment.

The District has designated the following information as directory information:

1. Student's name;
2. Address;
3. Telephone listing;
4. Name(s) of Parent(s)
5. Photograph;
6. Date and place of birth;
7. Dates of attendance;
8. Grade level;
9. Participation (including video) in officially recognized activities and sports;
10. Weight and height of members of athletic teams;
11. Degrees, honors, and awards received;
12. The most recent educational agency or institution attended.

The District shall provide, by November first of each year, a list of students by name in grades seven to twelve, inclusive, together with their mailing addresses, to the executive director of the Board of Regents and to each postsecondary technical institute located in the state unless the parent has directed that the District not release directory information about the student.

The District shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and shall, upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, and telephone listings, unless the parent of the student has submitted a request to the District that the student's information not be released without prior written parental consent

The District shall annually notify parents of the types of student directory information released. The notice will include:

1. An explanation of the parent's or eligible student's right to request that information not be disclosed without prior written consent;
2. Notice that the school routinely discloses names, addresses, and telephone numbers to the South Dakota Board of Regents and, upon request, to military recruiters, subject to a parent's or eligible student's request not to disclose such information without written consent; and
3. Notification on how the parent or eligible student may opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

State Reference

SDCL 13-28-50

Federal Reference

CFR Title 34 Part 99

Public Law 103-382

USC Title 10 §503

USC Title 20 §1232g

USC Title 20 §7908

Policy Reference

KBAA

Description

School districts to provide student mailing lists to BOR and Technical Institutes

Description

Family Educational Rights and Privacy Act (FERPA)

Improving America's Schools Act of 1994

Enlistments: Recruiting campaigns; compilation of directory information

Family Educational Rights and Privacy Act (FERPA)

Armed forces recruiter access to students information

Description

PUBLIC RECORDS

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT DIRECTORY INFORMATION
NOTICE**

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose designated "directory information" without written consent, unless you have informed the District that prior written consent is required before disclosing the directory information. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's, guardian's or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require the District to provide military recruiters, upon request, with the names, addresses and telephone listings of the students unless parents or guardians have advised the District that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing within thirty (30) days of the beginning of the school year or, if enrolling after the beginning of the school year, within thirty (30) days of enrollment. The District has designated the following information as directory information:

1. Student's name;
2. Address;
3. Telephone listing;
4. Name(s) of Parent(s)
5. Photograph;
6. Date and place of birth;
7. Dates of attendance;
8. Grade level;
9. Participation (including video) in officially recognized activities and sports;
10. Weight and height of members of athletic teams;
11. Degrees, honors, and awards received;
12. The most recent educational agency or institution attended.

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT DIRECTORY INFORMATION
OPT OUT**

It is the policy of the district to notify an 18-year old student's parent or guardian of certain student records which must be disclosed pursuant to federal and state law, and also to notify a parent or guardian of his or her right to request the district not to release such information without prior written consent.

Date: _____

Dear Parent/Guardian:

Pursuant to federal and state law, the School District must disclose to military recruiters the names, addresses, and telephone numbers of high school students, and to the executive director of the SD Board of Regents and each postsecondary technical institution, upon request, the names, addresses, and telephone numbers of students in grades 7-12.

The district must also notify parents/guardians of their right and the right of an 18-year old child to request that the district not release such information without prior written consent.

Parents/guardians or eligible 18-year old students wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and institutions of higher learning must sign the form below and return it to the building principal by _____.
(date)

Denial of Consent for the Release of Certain Student Information

Please do not release the name, address, and telephone number of,

_____ to: _____ Military Recruiters
(Name of Student) _____ Board of Regents
_____ Technical Institute

(Print Name of Student) (School) (Grade)

(Parent's/Guardian's or 18-year old Student's Signature) (Date)

Adopted: April 13, 2015

Reviewed: February 7, 2019

STUDENT SURVEYS

No elementary school or secondary school student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning the following subject matters, without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an emancipated minor, without the prior written consent of the parent:

- (1) Political affiliations or beliefs of the student or the student's parent;
- (2) Mental or psychological problems or aspects of the student or the student's family;
- (3) Sex behavior or attitudes of the student or the student's family;
- (4) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (5) Critical appraisals of other individuals with whom the student has a close family relationship;
- (6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) Religious practices, affiliations, or beliefs of the student or student's parent;
- (8) Personal or family gun ownership; or
- (9) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);

Prior consent from parents must be obtained through a parental signature on a written notice received by the parents, identifying the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the parent has the right to refuse participation by the student in the survey, analysis or evaluation. (The term, parent, for purposes of this policy, includes a legal guardian or other person standing in loco parentis.

Prior written consent from an emancipated minor or student age 18 or older must be obtained through the student's signature on a written notice which identifies the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the student has the right to refuse participation by the student in the survey, analysis or evaluation.

The student shall not participate in the survey, analysis or evaluation if the school does not receive the required written consent. Denials of consent shall be reflected through the form being returned and in which consent is denied, or when the form is not be returned. Written consent is required prior to a student participating in a survey addressing one or more of the topics identified above and in no case shall consent be presumed.

The District shall annually provide notice to students and parents/guardians of their rights as set forth in this policy, by publishing notice of the policy in the newspaper and in the student handbooks. The policy shall also be printed in the teacher handbook.

State Reference

SDCL 13-3-51.1

SDCL 13-3-51.2

SDCL 13-3-51.3

SDCL 13-3-51.4

SDCL 13-3-51.5

SDCL 13-3-51.6

Federal Reference

USC Title 20 §1232h

Policy Reference

JO

Description

Definitions regarding privacy of records

Information not subject to survey, analysis, or evaluation without consent

Prohibition against reporting personally identifiable information

Department to develop security measures to protect personally identifiable information

Disclosure of aggregate data otherwise allowed

Disclosure of aggregate data necessary for impact aid

Description

Protection of Pupil Rights Amendment (PPRA)

Description

STUDENT RECORDS

Adopted: April 13, 2015

Reviewed: February 7, 2019

STUDENT SURVEYS NOTICE OF RIGHTS

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

- Inspect, upon request and before administration or use –
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. [School District] will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. [School District] will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5

Adopted: April 13, 2015

Reviewed: February 7, 2019

**STUDENT SURVEYS
CONSENT FORM**

It is the policy of the District that no student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning

- (1) Political affiliations or beliefs of the student or the student's parent;
- (2) Mental or psychological problems or aspects of the student or the student's family;
- (3) Sex behavior or attitudes of the student or the student's family;
- (4) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (5) Critical appraisals of other individuals with whom the student has a close family relationships;
- (6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) Religious practices, affiliations, or beliefs of the student or student's parent;
- (8) Personal or family gun ownership; or
- (9) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);

Prior consent from parents must be obtained through a parental signature on a written notice received by the parents, identifying the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the parent has the right to refuse participation by the student in the survey, analysis or evaluation. (The term, parent, for purposes of this policy, includes a legal guardian or other person standing in loco parentis.

Prior written consent from an emancipated minor or student age 18 or older must be obtained through the student's signature on a written notice which identifies the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the student has the right to refuse participation by the student in the survey, analysis or evaluation.

The student shall not participate in the survey, analysis or evaluation if the school does not receive the required written consent. Denials of consent shall be reflected through the form being returned and in which consent is denied, or when the form is not be returned. Written consent is required prior to a student participating in a survey addressing one or more of the topics identified above and in no case shall consent be presumed.

A request is being made by _____ (instructor) to survey students for the _____ (class/program). The topic of the survey is _____.

The purpose of the project is _____

I / We (check one)
____ authorize _____ (student's name) to participate in the survey.
____ do not authorize _____ (student's name) to participate in the survey.

Date Parental/Guardian/adult or emancipated Student signature