

Andes Central School District

Annual Notifications

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All District Policies can be found on the District's website at andescentral.k12.sd.us or can be obtained from any school office. Should you have any questions regarding these annual notifications, please contact your school principal at (605)487-7671.

Personnel Records – Policy GBL

Parental Notice

Andes Central School District Annual Notifications FY24

Parents who have children attending school may request information regarding the professional qualifications of their children's teachers. Upon receipt of a parental request for this information, the District shall provide the following information:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
2. Whether the teacher is teaching under Plan of Intent status,
3. The baccalaureate degree major of the teacher and any other graduate certification of degree held by the teacher, and the field of discipline of the certification of degree, and
4. Whether the child is provided services by paraprofessionals and, if so, their qualification.

The District shall provide a response to the parents request in a timely manner. In addition, parents shall be provided timely notice that their children have been assigned or have been taught for four or more consecutive weeks by teachers who are not highly qualified.

Student Records and Notice of Rights– Policy JO

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.

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.

- 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.

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.
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

Legal References: Family Education Rights and Privacy Act; 18USC 2331 and 2332(g)(5)(B); 22 USC 1232

Student Directory Information - JOA

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.

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 technical college 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 each technical college located in the state 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.

Legal References: 10 U.S.C 503 as amended by the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107);

Student Surveys - Policy JOB

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 unemancipated 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 students 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 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 on the policy in the newspaper and in the student handbooks. The policy shall also be printed in the teacher handbook.

WELLNESS POLICY –Policy ADF

The District will provide an environment that cultivates maximum student potential. Nutrition influences a child's development, health, wellbeing and potential for learning. To afford students the opportunity to fully participate in the educational process, students must attend school with minds and bodies ready to take advantage of their learning environment. This district-wide nutrition policy encourages all members of the school community to create an environment that supports lifelong healthy eating habits. Decisions made in all school programming need to reflect and encourage positive nutrition messages and healthy food choices.

The Board adopts the Wellness Policy based on the recommendations of the appointed Health and Wellness Council and in accordance with federal and state laws. At least once every three years, the District will evaluate compliance and implementation of the wellness policy,

To ensure the health and well-being of all, the Board establishes the following goals:

1. Students in the District have **access to healthy foods throughout the school day** –through reimbursable school meals in accordance with Federal and state nutrition standards;
2. Students receive quality **nutrition education** that helps them develop lifelong healthy eating behaviors;
3. Students have **opportunities to be physically active** before, during and after school;
4. Schools engage in **nutrition and physical activity promotion** and other activities that promote student wellness;
5. School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school;
6. The community is engaged in supporting the work of the District in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
7. The District establishes and maintains an infrastructure for **management, oversight, implementation, communication** about and monitoring of the policy and its established goals and objectives.

This policy applies to all students, staff and schools in the District. Specific measureable procedures are identified in the regulation portion of the District policy manual (see ADF-R and IGAI-R).

The Superintendent or designee shall be responsible to monitor district schools, programs, and curriculum to ensure compliance with this policy, related policies and established guidelines or administrative regulations.

Each building principal or designee shall report to the Superintendent or designee regarding compliance in his/her school.

Staff members responsible for programs related to wellness shall report to the Superintendent or designee regarding the status of such programs.

The Health and Wellness Council shall report to the Board and/or Superintendent on the district's compliance with law and policies related to wellness. The report may include:

1. Assessment of school environment regarding wellness issues.
2. Evaluation of food services program
3. Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
4. Listing of activities and programs conducted to promote nutrition and physical activity.
5. Recommendations for policy and/or program revisions.
6. Suggestions for improvement in specific areas.
7. Feedback received from district staff, students, parents/guardians, community members and Wellness Council.

School Wellness Committee

The Superintendent shall appoint a Health and Wellness Council comprised of at least five (5) members representing one or more of the following: district administrator, district food service representative, student, parent/guardian.

The Health and Wellness Council shall provide annual reports to the Superintendent or designee regarding the status of its work, as required. These reports as well as a copy of the approved Wellness Policy can be found on the District's website.

The District will retain records to document compliance with the requirements of the wellness policy in the District's Business Office as well as the District's central computer network for three years past the current year. Documentation maintained in this location will include but will not be limited to:

- The written wellness policy;
- Documentation demonstrating that the policy has been made available to the public;
- Documentation of efforts to review and update the policy including the identification of who was involved in the update and methods the district uses to make stakeholders aware annually of their ability to participate on the local wellness committee;
- Documentation to demonstrate compliance with the annual public notification requirements;
- The most recent assessment on the implementation of the policy;
- Documentation demonstrating the most recent assessment on the implementation of the policy has been made available to the public.

Annual Notification of Policy

The District will actively inform families and the public each year of the basic information about this policy. The District will make this information available via the district website and/or district-wide communications. Annually, the District will share the policy as well as provide information on how the public can get involved with the school wellness committee as well as their ability to become involved in the development, review, update, and implementation of the policy.

Nutrition Education

The goal of nutrition education is to teach, encourage and support healthy eating by students. Promoting student health and nutrition enhances readiness for learning and increases student achievement.

Nutrition education will be provided within the sequential, comprehensive health education program in accordance with curriculum regulations and the academic standards for Health and Physical Education, and Family and Consumer Sciences.

Nutrition education lessons and activities shall be age-appropriate.

Nutrition education shall be integrated into other subjects to complement but not replace academic standards based on nutrition education.

The staff responsible for providing nutrition education shall be properly trained and prepared and shall participate in appropriate professional development.

District staff shall cooperate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition.

Consistent nutrition messages may be disseminated throughout the district, schools, classrooms, cafeterias, and homes.

Physical Activity

Students are provided the opportunity to participate daily in a variety of age-appropriate physical activities designed to achieve optimal health, wellness, fitness, and performance benefits.

A physical and social environment that encourages safe and enjoyable activity for all students shall be maintained.

When appropriate, physical activity should be encouraged during transition, break and free time.

After-school programs for children in grades K to 5 shall provide developmentally appropriate physical activity for participating children and may include individual as well as team activities.

District schools shall partner with parents/guardians and community members to institute programs that support physical activity.

Physical activity shall not be used as a form of punishment. In addition, physical activity during the school day **will not be withheld** as punishment for any reason.

When possible students, staff and the community shall have access to physical activity facilities outside school hours.

Physical Education

Quality physical education instruction that promotes lifelong physical activity and provides instruction in the skills and knowledge necessary for lifelong participation shall be provided.

Physical education classes shall be the means through which all students learn, practice and are assessed on developmentally appropriate skills and knowledge necessary for lifelong, health-enhancing physical activity.

A varied and comprehensive curriculum that leads to students becoming and remaining physically active for a lifetime shall be provided in the physical education program.

A sequential physical education program consistent with curriculum regulations and Health and Physical Education academic standards shall be developed and implemented.

All district students must participate in physical education.

Adequate amounts of planned instruction shall be provided in order for students to achieve the proficient level for the Health and Physical Education academic standards.

Students are encouraged to be moderately to vigorously active as much time as possible during a physical education class. Documented medical conditions and disabilities shall be accommodated during class.

Safe and adequate equipment, facilities and resources shall be provided for physical education courses.

Physical education shall be taught by certified health and physical education teachers.

Appropriate professional development shall be provided for physical education staff.

Other School Based Activities

District schools shall provide adequate space, as defined by the district, for eating and serving school meals.

Students shall be provided a clean and safe meal environment.

Students shall be provided adequate time to eat: ten (10) minutes sit down time for breakfast; twenty (20) minutes sit down time for lunch.

Meal periods shall be scheduled at appropriate hours, as defined by the district.

To promote hydration, free, safe, unflavored drinking water is available to all student throughout the school day, including meal periods and throughout every school.

Students shall have access to hand washing or sanitizing before meals and snacks.

Nutrition professionals who meet criteria established by the district shall administer the school meals program.

Professional development may be provided for district nutrition staff.

Access to the food service operation shall be limited to authorized staff.

Nutrition content of school meals shall be available to students and parents/guardians upon request.

To the extent possible, the district shall utilize available funding and outside programs to enhance wellness.

Food shall not be used in the schools as a reward or punishment.

The district shall provide a copy of the Wellness Policy to all staff.

The Wellness Policy shall be considered in planning all school based activities.

Fundraising projects submitted for approval shall be supportive of healthy eating and student wellness.

The SD Policy of Exempt Fundraisers will be used when approving exempt fundraisers.

The Food Service Manager will provide assistance in identifying foods that meet the criteria established in the Nutritional Standards for Competitive Foods.

Administrators, teachers, food service personnel, students, parents/guardians, and community members shall be encouraged to serve as positive role models through district programs, communications and outreach efforts.

The district shall support the efforts of parents/guardians to provide a healthy diet and daily physical activity for children by communicating relevant information through various methods.

The district supports activities that are scheduled throughout the year (i.e. jump rope for health, field days, open gyms, partnerships with home extension services, FCCLA demonstrations, and participation in the Lake Andes Food and Wellness Council, etc.)

Nutrition Guidelines

All foods available in district schools during the school day shall be offered to students with consideration for promoting student health, reducing childhood obesity, improving the diet and health of school children, modeling healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

Foods provided through the National School Lunch or School Breakfast Programs shall comply with federal nutrition standards. Schools within the District also seek to partner with additional programs to support nutrition education (i.e. Fresh Fruits and Vegetables program, and milk programs.)

Competitive Foods/Beverages

Competitive foods and beverages are defined as any food or beverage offered or sold at school in competition with reimbursable meals served through the National School Lunch or School Breakfast programs.

All competitive foods and beverages that are sold to students in district schools shall meet or exceed the Nutrition Standards for Competitive Foods.

Safe Routes to School

The district encourages active transportation (walking, biking, etc.) to and from school as a healthy alternative.

The district shall assess and, to the extent possible, implement improvements to make walking and biking to school safer and easier for students.

Employee Wellness

School Wellness policy provides staff opportunities to participate in physical activities and healthy eating programs.

Asbestos Notification

In accordance with the Asbestos Hazard Emergency Response Act (AHERA) of 1986, school facilities have been inspected in order to identify any asbestos containing materials which may be present. Steps have or will be taken to assure that any asbestos containing material does not pose a significant health hazard to those who work within the building or attend classes there. In addition, an Operations and Maintenance Plan is formulated with procedures which will continue to assure a safe environment with the school for students and staff. A copy of the inspection and the Operations and Maintenance Plan is available for public view.

Student Instruction/Programs for Homeless Students - Policy JLG

All potential and identified homeless students or unaccompanied youth will be informed of their rights.

School of Origin

It is the School District's responsibility to provide continued education services for homeless students. Such services for the child may be:

- continuation in the school of origin that the student attended when permanently housed or the school of last enrollment; or
- provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

The District considers the best interest of the homeless student, with parental involvement, in determining placement.

Enrollment

The school shall immediately enroll the homeless student even if he or she is unable to produce records normally required for enrollment, including academic records, immunization records, proof of residency or other documentation. The District shall make a reasonable effort to locate immunization records from information available. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provision of the School Board's policy on immunizations. The District may require a parent or guardian of a homeless student to submit contact information.

Transportation

Transportation services will be comparable to those provided other students in the selected schools. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.

Elimination of Segregated Services

Homeless students shall be provided services comparable to services offered to other students in the District including, but not limited to, transportation services; educational services for which the student meets the eligibility criteria, such as education programs for disadvantaged students, students with disabilities and gifted students; vocational programs and technical education; school nutrition programs; preschool programs; before and after school care programs; and programs for students with limited English proficiency. Homeless students will not be segregated in a separate school or in a separate program within a school based on the students' status as homeless.

Elimination of Identified Barriers

The District administration shall attempt to remove existing barriers to school attendance. Enrollment requirements or fees and charges that may constitute a barrier to the enrollment or education of a homeless child or youth may be waived at the discretion of the Superintendent. In the event a fee or charge are a barrier, parents/guardians of homeless children should contact the District's Homeless Coordinator to report the barrier. The Coordinator will communicate with the Superintendent for removal of the fee or charge.

Disputes regarding enrollment of, or services for, homeless students shall be referred in writing to the superintendent. Parents/guardians or other adult or an unaccompanied youth must provide written documentation to support their position within 10 district business days after receiving written notice of the eligibility, enrollment or school placement

decision by the McKinney-Vento liaison. Students shall be provided with all services for which they are eligible while disputes are being resolved. The superintendent will provide a written statement of his/her decision within 10 district business days of receiving the written dispute and any accompanying written documentation. An additional 5 days may be granted for the superintendent's decision if exceptional conditions exist.

If a dispute is not resolved at the superintendent level, the individual may file a written appeal with the school board within 10 district business days of receipt of the written decision of the superintendent. If a dispute is not resolved at the district level, it may be forwarded within 15 business days to the South Dakota Department of Education for review.

At any time this dispute process requires a written appeal, the parents/guardians, other adult, or unaccompanied youth may make this formal request orally to the homeless liaison; that person will transcribe the oral report into writing.

While maintaining confidentiality, written dispute findings and resolutions will be shared with all parties involved in the dispute including the district school board.

NONDISCRIMINATION IN FEDERAL PROGRAMS - Policy AC

The District will not violate any of the provisions of applicable federal programs, statutes or regulations, including but not limited to Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), ESSA, and McKinney-Vento Act (homeless children). The District will not discriminate in any of its policies and programs on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

The District will provide the following:

1. an adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and alleged perpetrator to present witnesses and provide evidence;
2. evaluation of all relevant information and documentation relating to a complaint of discrimination;
3. specific, reasonably prompt time frames at each stage of the grievance process;
4. written notice to all parties within a specified timeframe of the outcome or disposition of the grievance at each stage of the process;
5. an opportunity to appeal the findings or remedy, or both;
6. an assurance that the District will take steps to prevent recurrence of any discrimination and correct discriminatory effects on others; and
7. language in the policies and grievance procedures indicating that any attempts to informally or voluntarily resolve the complaint or grievance should not delay the commencement of the District's investigation.

In compliance with applicable federal laws and regulations, the Board has appointed the Superintendent as the District's Compliance Officer to coordinate program compliance with federal programs. The Superintendent can be reached at:

Andes Central School District 11-1
1001 High Street
PO Box 40
Lake Andes, SD 57356
Phone #: (605) 487-7671

A complaint may also be filed with the United States Office for Civil Rights, U.S. Department of Education at: 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Facsimile: (816) 268-0599; Telecommunication Device for the Deaf: (877) 521.2172; Email: OCR.KansasCity@ed.gov.

COMPLAINT PROCEDURE

The Board has adopted a specific procedure to ensure that parental/student/public complaints related to the provisions of applicable federal programs, statutes or regulations, including claims of retaliation. The Board will not discriminate, in any of its policies and programs, on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability. Procedures may be found in the Regulation portion of the Policy Document: AC-R.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) is designed to eliminate discrimination on the basis of disability and requires that qualified individuals be provided equal access to educational programs and services.

ACCESS - Persons with disabilities may contact the building principal before the event to obtain reasonable accommodations needed to participate in District programs or activities. If the principal is unable to address the request, concerns should be referred to the District's Section 504 Coordinator Michele Plecity at (605)487-7671.

STUDENTS - Policy/Forms AC-F 1, 2, 3 outline the District's procedures relating to Non Discrimination in Federal Programs. Concerns/Complaints should be referred to the District's Section 504 Coordinator, 1001 High Street, Lake Andes, SD 57356. (605) 487-7671.

PARENTAL RIGHTS - You have the right to: (1) Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability; (2) Have your child receive a free appropriate public education; (3) Have your child educated in facilities and receive services comparable to those provided nondisabled students; (4) Have your child have an equal opportunity to participate in nonacademic and extracurricular activities provided by the District; (5) Receive notice with respect to the identification, evaluation or placement (including a substantial change in placement) of your child; (6) Have the identification, evaluation and placement decisions based upon a variety of information sources and by persons who know the student, the evaluation data, and placement options; (7) Have your child receive appropriate educational and related services when eligible and necessary under Section 504; (8) Examine all relevant records relating to decisions regarding your child's educational records, including records related to the identification, evaluation, educational program and placement; (9) Request a review of a Section 504 Team decision relating to the evaluation, educational program and placement (including any substantial change in placement) of your child; (10) Request an impartial due process hearing relating to the evaluation, educational and placement decisions (including any substantial change in placement); (11) Appeal the decision of the impartial hearing officer to a court of competent jurisdiction; (12) Have the District advise you of these rights under the federal law.

The Andes Central District must identify and evaluate students who may be eligible for services under Section 504 due to the following conditions:

1. A physical or mental impairment that substantially limits one or more major life activities (which includes major bodily functions); or
2. A record of having an impairment that substantially limits one or more major life activities, or
3. An impairment that substantially limits one or more major life activities.

The District will provide prior written notice to parents/guardians before initiating or changing or refusing to initiate or change the identification, evaluation or educational placement of a student under Section 504. Parent/guardian consent is required for all initial evaluations.

Review and Impartial Due Process Hearing Procedure

The parent/guardian of a child with a disability who disagrees with any decision regarding the identification, evaluation or educational placement of a student by the 504 Team may request a review by the District's Section 504 Coordinator or file a Due Process Complaint. Request for review: The District's 504 Coordinator will send a written response to the parent/guardian within ten (10) working days of receiving the request for review. That written response will specifically

address the issues raised by the parent/guardian. Impartial Due Process Hearing: A parent/guardian may file a Due Process Complaint at the Instructional Planning Center addressed to the District's 504 Coordinator.

Prior to the initiation of a Due Process Hearing, the Section 504 Coordinator will offer to convene a meeting with the parents/guardians and the relevant member or members of the 504 Team and a representative of the District who has decision-making authority on behalf of the District. The purpose of the meeting is for the parents/guardians to discuss their Due Process Complaint and the facts that form the basis of the Complaint so that the District has the opportunity to resolve the dispute. If the issues raised in the Due Process Complaint are not resolved to the satisfaction of the parent/guardian within 30 days of the receipt of the Due Process Complaint, a Due Process Hearing will be scheduled. An impartial Hearing Officer will be retained to conduct a hearing. Any party to a hearing has the right to:

1. Be accompanied and advised by counsel - neither party has the right to be represented by a non-attorney at a hearing;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Introduce evidence that has been disclosed to the other party at least 5 business days before the hearing;
4. Obtain a written, or, at the option of the parent/guardian, electronic, verbatim record of the hearing; and
5. Obtain written, or, at the option of the parents/guardians, electronic findings of fact and decisions.

Concerns and inquiries regarding Section 504 may be directed to the Office of Civil Rights, U.S. Dept. of Education, Kansas City Office, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO 64106. Telephone: (816) 268-0550; Facsimile: (816) 268-0559; Email: OCR.KansasCity@ed.gov.

Individuals with Disabilities Education Act: Child Identification

Child Find is a process which provides developmental screenings and comprehensive, multidisciplinary evaluations, when appropriate, for children from birth to age 21. Andes Central School District offers free screenings for any preschool age child (age three to five years) residing within the district who is suspected of having a disability. South Dakota and federal laws guarantee a free and appropriate education (FAPE) to all children. For more information or to schedule an appointment for a preschool age child suspected of having a disability contact: Andes Central School District, Early Childhood Team, 1001 High Street, Lake Andes, SD 57356 or call (605)487-7655. Andes Central School District has an obligation to identify, locate and evaluate any child suspected of having a disability who is enrolled in a private or parochial school within the district. For more information contact the school district at the above address.

Documents for Public Inspection: The District is operating a project in compliance with the Individuals with Disabilities Education Act. Any funding applications, evaluation, or reports required by the State for operation of the project are available for public inspection. Documents are maintained at 1001 High Street, Lake Andes, SD 57356m and are available during business hours.

RESTRAINT AND SECLUSION - JGB

Policy Rationale and Philosophy:

Reasonable efforts should be made to prevent the use of restraint and the use of seclusion. A non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) should be used to create learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students.

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. Efforts to promote positive interactions and solutions to potential conflict should be extensive. In the event that an individual's behavior presents a threat of imminent harm to self or others the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

Definitions:

- a. Positive Behavior Interventions and Support:

- i. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and
- ii. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors and teach appropriate behavior to students.

b. Physical Restraint:

- i. The use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.
- ii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
 - 1. To break up a fight;
 - 2. To knock a weapon away from a student's possession;
 - 3. To calm or comfort;
 - 4. To assist a student in completing a task/response if the student does not resist the contact;
 - 5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

c. Seclusion:

The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

d. Time Out:

A behavioral intervention in which a student, for a limited and 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. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

Requirements for the use of Physical Restraint:

Physical restraint may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. If physical restraint is applied the staff member must:

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (nonphysical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained;
- e. continually observe the student in restraint for indications of physical or mental distress;
- f. contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;
- g. remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.

Prohibited Practices for Use of Restraints:

Staff members are not to use any physical restraints for which they have not been trained by the district. Staff members are not to use any unauthorized physical restraints. This includes but is not limited to:

- a. Prone restraint, which is 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 the use is necessary and reasonable in manner and moderate in degree;
- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head, and or neck of the student;
- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;

- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
- g. Deprivation of basic needs;
- h. Chemical restraint;
- i. Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- j. Using other students or untrained staff to assist with the hold or restraint;
- k. Securing a student to another student or fixed object;
- l. Aversive behavioral interventions; or
- m. Seclusion in a locked room or area.

Requirement for Use of Seclusion:

Given a threat of immediate risk of physical harm to the student or others, the following principles must always be applied:

- a. A room or area used for seclusion must:
 - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. not be locked.
- b. Staff must:
 - i. implement in a manner that is age and developmentally appropriate;
 - ii. ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. the least amount of time necessary;
 - iv. be appropriately-trained;
- c. staff must continually observe the student for the duration of the seclusion;
- d. if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;
- e. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- f. upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

Prohibited for Use of Seclusion:

- a. Use of seclusion in any environment that does not meet the above criteria.
- b. Deprivation of basic needs;
- c. Seclusion shall not be used;
 - i. As a form of discipline/punishment
 - ii. As a means to coerce, retaliate or in a manner that endangers a student;
 - iii. For the convenience of staff;
 - iv. As a substitute for an educational program;
 - v. As a substitute for less restrictive alternatives;
 - vi. As a substitute for inadequate staff; and/or
 - vii. As a substitute for positive behavior supports or other crisis prevention.

Reporting and De-Briefing Requirements after the use of Physical Restraint or Seclusion:

- a. The staff member(s) using physical restraint or seclusion shall complete all district required reports and document staff's observations of the student.
 - i. As soon as possible under the circumstances the staff member(s) using physical restraint or seclusion shall inform the appropriate school administrator of the use of physical restraint or seclusion.
 - ii. The District's Incident Report shall be completed upon occurrences of physical restraint or seclusion.

- iii. Completion of the form and submission of the Incident Report to the appropriate administrator must be done the same day the staff member(s) used physical restraint or seclusion.
- iv. An administrator shall attempt to contact the parent/guardian during the same day of incident.
- v. A copy of the Incident Report must be made available to parent/guardian by the administrator within 24 hours after receipt of the Incident Report.
- b. The administration shall conduct a debriefing with all involved staff and parents and, if appropriate, the student;
 - i. Debrief utilizing the District's Debriefing Form;
 - ii. Evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
 - iii. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

Training and professional development:

- a. The district will ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques.
- b. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
- c. All student personnel shall be notified annually on this policy.

District Monitoring:

- a. The school board and superintendent shall monitor the implementation of this policy.
- b. This policy shall be accessible on the district's website.
- c. The district shall notify all parents annually on the school's website of its policy on seclusion and restraint.

Complaint:

- a. A parent/guardian who feels that a school employee violated this policy may file a complaint pursuant to Policy KL: Public Complaints.
- b. If the student is a student with a disability, the parent/guardian of the student with a disability may file a complaint with the South Dakota Department of Education, Office of Special Education instead of filing a complaint pursuant to Policy KL: Public Complaints.