

# ANDES CENTRAL SCHOOL DISTRICT



EMPLOYEE HANDBOOK

2023-24

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## Preface

Welcome to Andes Central School District. This employee handbook is designed to familiarize each staff member of the workings of the District. While this handbook is **not** all inclusive, it does provide you with a beginning framework for understanding Andes Central School District expectations. Your supervisor may have additional items for you. If there is a piece of information you cannot locate, please ask your supervisor. All employees are responsible for following all policies, rules, and regulations as set forth in the School Policy Manual and by school administration. School board policies, rules, and regulations can be found in the shared directory (S:). Working together, we can succeed in making our school a safe, enjoyable, and positive learning experience for ourselves and our students of Andes Central School District. Andes Central School District is proud you have chosen to practice your profession here.

The vision for the Andes Central School District is: ***Doing whatever it takes for high-flying success.***

The mission of the Andes Central School District is to cultivate the potential in every student so that they build strong relationships, strive to be future ready, and embrace the full richness and diversity of our community.

At Andes Central, we believe that creating a caring and nurturing learning environment is our first and foremost responsibility. Building caring relationships that support teaching and learning among staff, parents, and students is the foundation for developing this environment. Providing continuous opportunities for students to feel a sense of belonging, competence, and autonomy will allow each child to reach optimal levels of academic success and social development.

Staff, parents, and students are committed to creating a school environment where all children feel accepted and respected as individuals while eagerly engaged in cooperative learning with classmates. We continually strive to develop strategies and implement change to better meet our students' needs. We know that we must continue to grow and learn as children grow and learn.

**Andes Central School District  
Chain of Command**

The following is a Chain of Command list in descending order. If the administrator at the top of the list is absent, the next person on the list is in charge of the building (or as designated by administration).

**District:**

**Brad Peters**, Superintendent  
**Clint Nelson**, Elementary School Principal, Lakeview Colony Principal  
Christopher Derry, Middle / High School Principal  
Michele Plecity, Curriculum Specialist/ SPED Coordinator  
Darryl Deurmier, Network Manager  
Susan Johnson, Business Manager

**Middle / High School:**

Christopher Derry, Middle / High School Principal  
**Clint Nelson**, Elementary School Principal, Lakeview Colony Principal  
Brad Peters, Superintendent  
Darryl Deurmier, Network Manager  
Michele Plecity, Curriculum Specialist/ SPED Coordinator  
Susan Johnson, Business Manager

**Elementary School:**

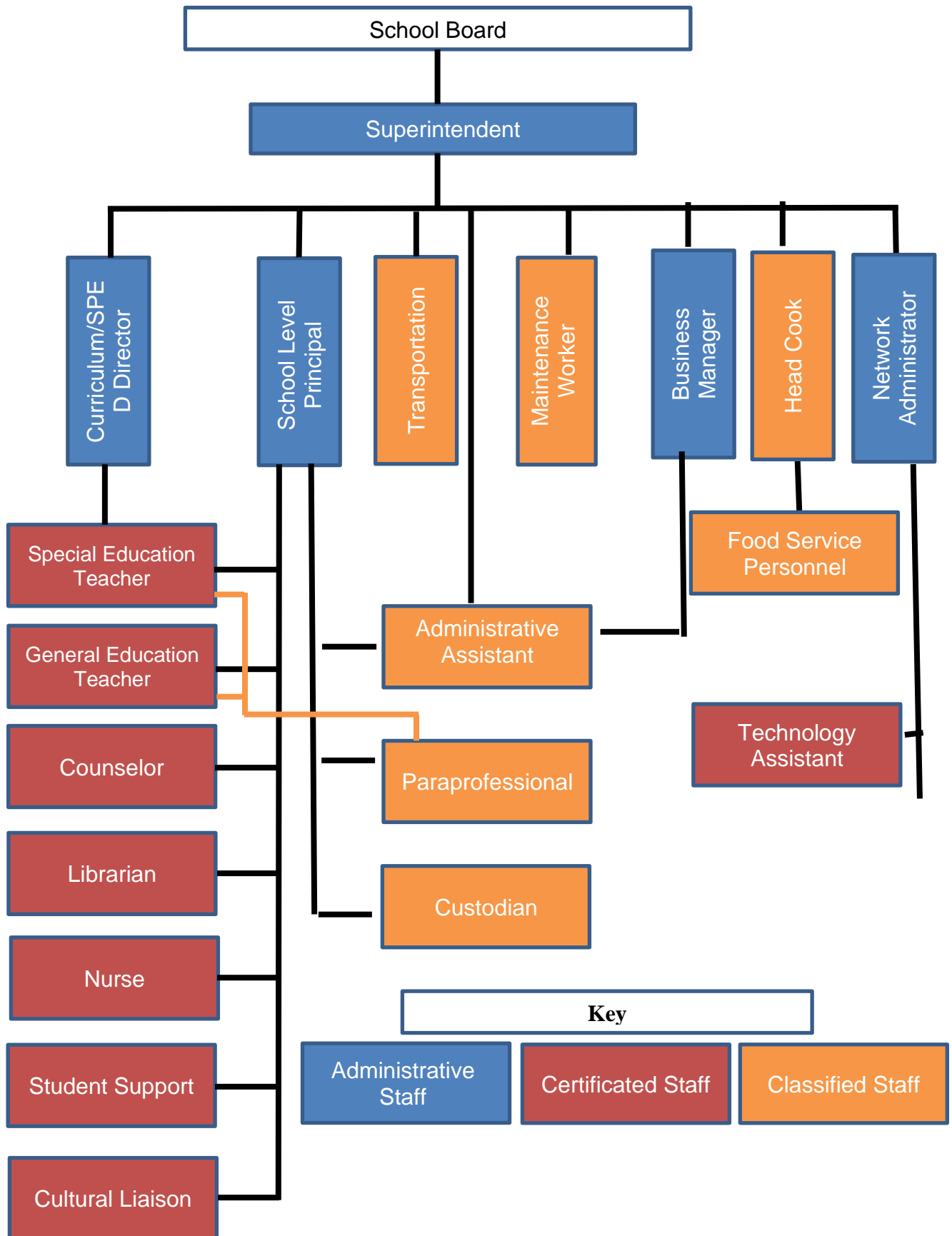
**Clint Nelson**, Elementary School Principal, Lakeview Colony Principal  
Christopher Derry, Middle / High School Principal  
Brad Peters, Superintendent  
Michele Plecity, Curriculum Specialist/ SPED Coordinator  
Darryl Deurmier, Network Manager  
Susan Johnson, Business Manager

**Lakeview Colony:**

**Clint Nelson**, Elementary School Principal  
Michele Plecity, Curriculum Specialist/Coordinator  
Brad Peters, Superintendent

Title IX Coordinator: **Clint Nelson**, Elementary School Principal

**Andes Central School District 11-1  
Organizational Chart**



**Note:** The line of authority moves as the above chart shows.  
Refer to Chain of Command to address questions and concerns.

**Accidents/Injuries:** All accidents/injuries, of either student or staff member must be reported to the office and an accident/injury form must be completed. **DO NOT** move the person if the injury appears serious and notify the principal immediately. Employees must file a report with the business within **three days** to be eligible for Workman's Compensation. Workman's Compensation generally does not pay for employees who are not wearing a seat belt. Buckle up!

**Activity Tickets:** In exchange for passes to after-school activities, staff is asked to sell tickets and/or work at one (1) or two (2) activities. In return for this, complementary activity tickets will be given out. A new work schedule is developed each year. Staff is encouraged to attend as many after-school activities as possible. Students like to see you at their activities; your support is important.

**Asbestos:** 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, procedures will be utilized to assure a safe environment with the school for students and staff. A copy of the inspection is available for public view in the business office as well as in the administrative offices at each building.

**Assemblies/Pep Rallies:** All teachers are expected to attend all assemblies and/or pep rallies. Teachers are to sit with their classes and help maintain proper student conduct.

**Cell Phones:** All staff members' personal cell phones are to be put away during work time and are not to disrupt an individual's normal job responsibilities. Texting and utilizing recording features are **NOT** allowed unless specifically approved through administrative channels.

**Church Night:** Wednesday night is designated as "church night" and is kept free of school activities. No scheduled activities after 6:00 pm on Wednesdays are permitted. If emergency circumstances exist, all concerns are directed and cleared through the superintendent's office.

**Confidentiality:** All student and employee information including records, data, and any other information of a private or sensitive nature are considered confidential. Confidential information should not be read or discussed by any employee unless pertaining to his or her specific job requirements. Examples of inappropriate disclosures include:

- Employees discussing or revealing confidential information to friends or family members.
- Employees discussing or revealing confidential information to other employees without a legitimate need to know.

The unauthorized disclosure of confidential information by employees can subject each individual employee and the practice to civil and criminal liability.

**Crisis Situations:** It is important you, as the teacher, maintain control of the class and know that your primary concern is those students in your care. (For further information, see Crisis Management Plan.)

**Custodial Requests:** All requests from teachers to custodians shall be made through the superintendent's respective office.

**Disaster Drills:** By law, each building must have two (2) fire drills per semester and one (1) tornado drill each year. More, of course, can be held. Teachers are responsible for preparing their students for these drill procedures. Fire and tornado routes must be posted in each room. Also, inform students of alternate routes.

**Discipline:** You, as staff members, are accountable for all students. Discipline cases should be sent to the principal *ONLY* after you have exhausted all the other means of reaching the student yourself. In case repeaters and/or serious cases, do not wait too long to bring the matter to the principal and the parent.

Corporal Punishment is *NOT* permitted. If physical force is necessary, it must be used in such a fashion to be in line with state law and that is as follows:

SDCL 13-32-2: Superintendents, principals, supervisors, teachers, and their aides shall have authority to use the physical force that is reasonable and necessary for supervisory control over students. Like authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the bus.

SDCL 22-18.5: *Reasonable force* used by parents/guardians or teachers in correcting a child. To use or attempt or offer to use force upon or toward the person of another is not unlawful when committed by a parent or the authorized agent of any parent/guardian, teacher or other school official in the exercise of a lawful authority to restrain or correct his/her child or ward: *provided restraint or correction has been rendered necessary by the misconduct of such child or ward, or by his/her refusal to obey the lawful command of such parent/guardian, authorized agent, teacher, or other school official and the force used is reasonable in manner and moderate in degree.*

Refer to the student handbooks for the discipline policies/procedures used in each building.

**Dress Code:** All staff members are expected to maintain a standard of dress, personal appearance, moral standards and behavior that conforms to their professional status. No shorts are allowed except by coaches while performing their duties. The last school day of the week is designated "jean day." Staff is expected to wear **Andes** Central, ACDC or school colors attire is worn with jeans. Staff will be required to pay \$1.00 to wear jeans. The funds raised will be used for an educator scholarship.

**Duties and Responsibilities:** Teachers will be expected to furnish such after-school time as needed for assisting and/or conferring with parents/guardians and doing other out-of-school activities. However, other responsibilities also come with the "title" of teacher. Some of these are:

1. All students are the responsibility of all employees at all times. Supervision of students is required whenever they are on school grounds or offsite at school activities. Special consideration is needed in the hallways during class dismissals, before school, after school, lunchtime, and other unstructured time. Students should not be in the hallways without a pass during regular class time. If a teacher/paraprofessional is with the student/s, no passes will be required.
2. Take part in in-service education programs.
3. Follow the ethics of your profession.
4. Check your email and mailbox daily. Keep mailbox uncluttered of personal items.
5. Study halls should be just that. Follow the study hall procedures in the student handbook.
6. Never dismiss class early. Keep students on task until the end of the period.
7. Any staff member (certified or paraprofessional) assigned to supervise preschool breakfast and/or lunch will receive their meal at District expense as this is considered to be an opportunity for extended teaching.

**Email Signature:** It is important to give notice to people who are unintended recipients of an email received from your school email account about the potential confidential nature of the content. A notice should be applied to the end of all emails that place those individuals on notice. An example of such notification is as follows: **Confidentiality**

**Notice: This email communication and any attachments may contain proprietary and privileged information for the use of the designated recipient(s) named above. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.**

**Faculty Meetings:** Meetings are held when needed. These meetings are to be held to foster better communication and provide suggestions for solving problems.

**Field Trips:** Field trips take careful planning and need to be planned at least two (2) weeks in advance. Please gain prior approval from your principal. Complete an activity trip form if you need a bus and are going out of town. Permission forms **must** be sent home to be signed by parents/guardians and students, and given to the teacher/advisor prior to the trip. (See **School Vehicles** section, for important information regarding the use of personal vehicles to transport students.)

**Fire Marshal Reminder:** We **must follow** directives from the state fire marshal's office. These include:

- Nothing hanging from the ceilings in the classroom
- Only 10% of the walls can be covered with items.
- Items in the halls and on top of cabinets or shelves must be at least 24 inches down from the ceiling in all areas of the school.
- No candles in the classrooms.



- Doorways need to be unobstructed.
- Doors may not be propped open if they do not already have that ability.
- Powerstrips must be flush on the floor or mounted on the wall.
- Fire evacuation plans must be posted and visible.

**Freedom of Expression:** When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (*Garcetti v. Ceballos*). (SPB GBCBA)

**Fundraisers: All fundraisers must be approved by the board prior to the fundraising event beginning.** A request for each fundraiser must be completed at least one week in advance of the school board meeting. Note: regular school board meetings are held the second Monday of each month. Within one week of the completion of the fundraising event, an evaluation of the fundraiser must be completed.

**Grading Scale:** Refer to the Elementary and/or Middle/High Handbooks for specifics on grading scales.

**Grievances:** If you (Certified Staff) feel a policy, rule, or regulation has been violated, you are entitled to use the grievance procedure as listed in the teacher's master agreement. Disagreement with a decision is not a grievance.

**Gum/Candy/Pop:** Teachers are to model healthy eating habits whenever possible. All snacks or beverages should have some positive nutritional value. The use of gum, candy, or pop for an exceptional treat is left up to the discretion of the principal. Sunflower seeds are **NOT** permitted in the school building. See the School Wellness Policy—AE.

**Health Insurance:** Employer Shared Responsibility under the Affordable Care Act

Under the Employer Shared Responsibility provisions of the Affordable Care Act (ACA), the district will offer health coverage to full-time employees who work an average of 20 hours per week. For variable hour employees, determining full-time status may not be as straightforward as it is for regular full-time employees.

Andes Central will use a look-back measurement method to determine hours of service for variable hour employees. The look-back method will allow the district to measure certain employees' hours of service retrospectively for a period of up to 12 months. The outcome determines these employees' coverage eligibility on a prospective basis for a period of up to 12 months.

The following periods will be used to make eligibility determinations and to offer health insurance coverage if applicable.

**The measurement period, May 1 – April 30, will be used to determine employee's hours of service.** An employee is credited with all hours worked and all hours for which they are entitled to pay for vacation, sick time, etc. Employees who have an average of 20 hours of service per week during the measurement period may be eligible for health insurance and offered coverage according to district policy.

**The administrative period, May 1 – June 30, follows the measurement period.** During this time the district will calculate hours credited during the measurement period, will provide enrollment materials to any employees who average 20 hours of service per week, and will administer the employees' enrollment elections. It also includes any period between an employee's start date and the beginning of his or her initial measurement period.

**The stability period, July 1 – June 30, follows the administrative period or occurs during the administrative period.** Any employee who was determined to have had an average of 20 hours of service during the measurement period and offered health insurance coverage and elected to enroll into the health insurance plan may continue coverage during the stability period.

The provisions of the ACA state that an employer shall continue the practice of determining eligibility and to utilize the above define periods to make such determinations from year to year. Any employee who does not meet the eligibility requirements may become ineligible for health insurance coverage.

**Homecoming:** The middle/high school student council members are responsible for the homecoming activities. However, class advisors are to provide supervision at the float construction site; and approve all spending of class funds. Class

advisors must monitor coronation skit practice when held during school hours and attend Homecoming Coronation and monitor skits. Elementary students may participate in the parade with parental permission. The band members shall march in the parade.

**Homework:** Homework is a valuable experience for students as it provides them with extended practice on newly acquired skills. Homework should never be instructional in nature nor replace teaching. Students in the primary grades should have no more than 30 minutes of homework, upper grades—no more than 60 minutes. Junior High and High School Students—no more than 1.5 hours.

**Illness:** Call your principal by 6:45 A.M. so a substitute can be called.

**In Season Scholastic Eligibility:** Students will be required to maintain a cumulative GPA of 1.34 per semester, and be passing all subjects. Student grades will be evaluated three weeks into each semester and weekly afterwards to determine eligibility status. Students will receive probationary status for one week should a grade in one course fall below passing. If this grade is not raised within the week, or if the student has failing grades in more than one subject, the student will then become ineligible to participate until the identified standard has once again been met. Students not maintaining these standards will be ineligible for all extracurricular activities until they have reached the criteria established above. This same language appears in the ACDC handbook.

Eligibility determination begins at 12:01 PM on Monday and ends the following Monday at 12:00 noon.

**Internet Use Agreement:** All employees must complete an Internet Use Agreement prior to using Internet and/or email services.

**Inventories:** You are responsible for all items on your inventory. Check your inventory at the beginning of the school term verifying the items listed. Note Items purchased during the summer and through the current school year must be added to your inventory to bring it up to date. Price and value will be shown on all inventory items. Please enter the exact amount of new items purchased. Prior to checking out with your administrator at the close of the school term, an updated inventory of supplies, equipment, and textbooks will be required.

**Keys and Fobs:** All keys and fobs are the sole property of the Andes Central School District. These are loaned to employees for use while employed at Andes Central School District. These are to be turned into the Superintendent's Office or supervisor upon termination of employment. Please do not loan these to other individuals. Should they be lost, loaned out, or duplicated, the employee may be charged with the cost of changing locks. Any fobs that are lost or damaged will be replaced at a cost of \$15.

**Lesson Plans:** Principals will provide staff with the procedures for lesson plans.

**Lunch Count/Tardiness/Absences:** Take a lunch count and attendance during the first period class and after lunch. Report any absences and/or late arrivals to the office.

**Master Calendar:** The Superintendent's Office maintains the official school master calendar which can be found on the district website. Please contact Erica Svatos to list your events. Events listed on this master calendar have precedence.

**Meal Tickets:** The approved adult price for breakfast is \$2.70 and lunch is \$4.90. All meals are to be paid for in advance. Milk is the only ala carte item that is available for purchase.

**Nondiscrimination:** The Board is committed to a policy of nondiscrimination in relation to race, sex, religion, national background, and handicap. Respect for the dignity and worth of each individual will be paramount in the establishment of all policies by the Board and in the administration of those policies. The Constitutions of our nation and state, pertinent legislation enacted at those two levels of government, as well as court interpretations regarding citizens' rights, undergird this statement.

The Board's policy on nondiscrimination will extend to students, staff, the general public and individuals with whom it does business. (Policies AC and ACB)

**Parent/Teacher Conferences:** There are planned conferences and open house activities designated on the school calendar. Other individual conferences with parents/guardians are encouraged and to be held as the situation warrants.

**Phone Calls and Usage:** The school telephones are maintained for the primary purpose of conducting school business. If you must use your telephone (business or personal), conversations should be as brief as possible. Calls from family members will be put through only in case of an emergency; otherwise calls will be forwarded to your voicemail.

**Playground/Other Supervising Duties:** Each elementary teacher will accompany his/her class into the lunchroom and wait there until they are seated. Teachers from each grade will schedule their noon period so one (1) teacher accompanies students back to their room, supervises restroom breaks, accompanies students outside, and meets them when they return from recess. It is important that the schedules are adhered to so students are supervised as much as possible. Playground rules should be incorporated into the building's discipline policy. Punctuality is a must for all staff members.

At the 6-12 level, there will be a work schedule developed and distributed at the beginning of the year.

**Professional Development:** The School Board has elected to allow for weekly professional development time. This is a time to grow professionally as well as provide support for colleagues.

**Purchase Orders:** All purchases of school supplies and equipment will be made by requisition and must have the approval of the principal, business manager, and superintendent before purchase can be made. Failure to have all necessary prior approvals may cause you to be liable for the item.

**Room Parties:** Teachers are not allowed to have parties unless prior permission from the principal is secured. All gifts, flowers, etc. delivered to school will be kept in the principal's office until after school at which time a student or staff member may pick it up.

**School Board Policies:** Please refer to the District website for a **complete** listing of policies and regulations. Below is a summary of some policies. In parenthesis, at the end of the paragraph is the school board policy for which the article is referenced.

- **A.I.D.S./COMMUNICABLE DISEASES:** Do not allow your skin to contact any bodily fluids. Always use proper equipment when dealing with spills. Wear rubber gloves when handling open wounds, this helps protect you and the injured person from infections. (Policy GBEB)
- **BULLYING (Policy JFCD) :** Bullying consists of physical, verbal, written or electronic conduct directed toward a student that is so severe, pervasive, and objectively offensive that it creates an offensive environment or deprives student's access to educational opportunities. Bullying can also take place in cyberspace
- **CHILD ABUSE/NEGLECT REPORTING:** Any employee that suspects a student has been abused (physically, emotionally, sexually, etc.) must notify the principal or superintendent. If your principal or superintendent does not take action within 24 hours, the employee will report directly to authorities. People who report suspected cases in good faith are immune from civil or criminal liability. See attached school board policy JHG.
- **DRUG FREE WORKPLACE:** The school board will not tolerate the unlawful manufacture, use, possession, sale, distribution, or being under the influence of alcohol and/or drugs. Any employee who violates this policy will be subject to disciplinary action, which may include dismissal, and referral for prosecution. Each employee must abide by this policy. See attached school board policy GBEC.
- **FERPA:** FERPA stands for Family Educational Rights and Privacy Act. Basically, this applies to student confidentiality and student records. Personal notes kept by a staff are not records and do not come under FERPA. However, any note shared with another staff member or placed in a grade book is a record and comes under the protection of FERPA. The only information a teacher can divulge to the public is directory information. Directory information includes name, grade level, height, weight, degrees and awards, major field of study, participation in activities, and previous educational institution attended. All else is confidential including such things as class lists. (Policy JO).
- **HAZING:** Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Hazing is prohibited at all times. (Policy JFCF)
- **MEDICATIONS:** Medications must only be given to children when caretakers have filled out the proper medical dispensing form. The medicine must be dispensed by a person trained to dispense medication. No child may take any medication not supplied by the caretaker. (SBP JHCD)
- **PROHIBITION AGAINST AIDING OR ABETTING SEXUAL ABUSE:** The state legislature passed a law prohibiting employees, contractors and agents of the District from assisting another school employee, contractor or agent in obtaining a new job if there is probable cause to believe that the employee engaged in sexual misconduct with a minor or a student in violation of the law. (SBP ACAB)

**RESTRAINT AND SECLUSION:** State law requires that Districts have procedures in place to promote positive interactions and solutions to potential conflicts should situations intensify. Procedures are outlined within the policy as well as in the regulation section. (SBP JGB)

**SEXUAL HARASSMENT (Policy ACAA) :** It is the district's policy that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee or student of the school district may sexually harass another. Any employee or student will be subject to disciplinary action including possible termination or expulsion for violation of this policy. Sexual harassment can arise between employees and/or students. All forms are subject to this policy. Sexual harassment that meets the definition of quid pro quo, that is severe, offensive and prolonged or criminal will be investigated until the Title IX Sexual Harassment Policy ACAA (SBP ACAA).

**WELLNESS:** The District has a policy that addresses wellness activities for staff and students. District employees are encouraged to participate in the monitoring and support of the various components of this policy. (SBP ADF or IGAJ)

**School Closings:** If it becomes necessary to close school because of inclement weather, parents/guardians will be contacted by the district's messaging system with an announcement and/or text message. The following television stations and websites are contacted if school will not be held, KELO, keloland.com, and Dakotanews Now. If school should be dismissed during the day, the same procedure will be followed.

Students will be dismissed as soon as the buses get to school. All students are to be held at the school until the announced dismissal time unless their parents/guardians come to pick them up. Be sure to notify your supervisor if you change telephone numbers.

**School Day:** Teachers are expected to remain on school premises from 8 a.m. to 4 p.m. From time to time, staff may be asked to be in school beyond these times to attend meetings to fulfill an obligation determined by the administration. If some emergency occurs, permission to leave the school grounds should be obtained from the principal or superintendent. Teachers are free to leave the building during their lunch period unless assigned to some other duty.

**School Property:** Teachers are responsible for the condition of their classrooms, its equipment and inventory. Using school property for personal use is not generally permitted. Contact the superintendent for further explanation.

**School Vehicles:** Please secure the use of a school vehicle with your principal who will then work with the Superintendent's Office in arranging your vehicle needs. **Keep them clean and report repairs to your principal.** The last person assigned to the vehicle will be held responsible for cleanup.

Staff members and parents are discouraged from transporting students to activities. However, sometimes this may not be avoided. Before staff members or parents will be allowed to transport students to activities, a copy of their driver's license, vehicle's registration and proof of insurance must be on file.

**Social Media:** The Andes Central School District has a website and Facebook page that will be the primary media tools to share pictures and information. **Staff members must refrain from using social media to share information regarding the school or students.** Refer to the confidentiality section within this handbook as well as FERPA regulations that guide release of appropriate information. **At no time is it acceptable to post information during working hours.** Staff should exercise good judgment when posting personal comments on social media.

**Staff Ethics:** An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, all employees of the district are expected to maintain high standards in their school relationships. These standards include the following:

- treat students, parents, fellow employees, and community members with respect.
- promote a safe, nurturing, and positive school and work environment.
- maintain confidentiality concerning students, families and employees.
- act in a manner consistent with District policies, legal and contractual standards, responsibilities, and obligations.
- model and promote appropriate dress and language.

- report to a school administrator knowledge of mismanagement, waste of funds, misuse of school property, abuse of authority, threats to safety, violations of policies and regulations, or other conduct that damages integrity or reputation of the school district.
- refrain from using school employment to promote personal political and/or religious views. (Policy GBC)

**Staff Evaluations:** All teachers shall be given a written evaluation and given notice of any deficiencies during each semester of the first three (3) full years of employment. All teachers in or beyond the fourth full year of employment in the Andes Central School District shall be given a written evaluation at least once each school year.

**Teachers as Professionals:** Teachers are professionals. As such, the South Dakota legislature has developed a Profession Code of Ethics for teachers. All certified teachers in South Dakota are required to follow the standards and procedures as listed in the South Dakota Professional Practices for Teachers. Failure to do so can jeopardize your certification.

**Visitations:** *No visitors will be allowed past the office during the COVID pandemic.* Visitors are always welcome by parents/guardians, visiting student(s), representatives of commercial firms, or teacher organizations. All visitors must request permission (at least one (1) day prior) from the principal or superintendent to be in the building during normal school hours and are expected to follow the rules and regulations as set forth in school policies. Visitors are not allowed to interfere with classroom activities. Generally, visitors will be allowed to visit school for a period of 45 minutes or less.

**Volunteer Drug Screening:** All staff can volunteer to be screened on a random basis by the school nurse. You must complete a volunteer drug screening form found in your packet.

**Weight Room Usage:** All staff are eligible to take advantage of the weight room and equipment free of charge. Family and friends who wish to utilize the facilities are asked to follow the regulations outlined by the School Board regarding fees and available timeframes. As with all facilities, at no time is it acceptable to loan your fobs to non-employees for access to the weight room. If you have questions, please contact the Business Office.

**Worker's Compensation:** Any employee who receives an injury while at work should immediately report this injury to their supervisor and request the necessary forms to make application for payment under this law. Written notice of the injury must be provided by the employee to the school's business manager no later than three business days after the injury.

## Policies and Other Documents

### STAFF ETHICS – Policy GBC

School employees hold positions of public trust. High standards of honesty, integrity, and fairness are to be exhibited by each school district employee when involved in any school district activity. Ethical behavior by staff is required and expected at all times while fulfilling one's employment responsibilities and when at all school functions.

District employees are required and expected to:

1. treat students, parents, fellow employees, and community members with respect. Conduct which is prohibited includes, but is not limited to:
  - inappropriate verbal, visual or physical conduct, including jokes that demean an individual or group of individuals, spreading gossip about any individual, threatening another individual and all types of bullying behavior;
  - without proper authorization and authority violating another person's right of privacy and/or intentionally invading another person's personal space;
  - knowingly falsely blame an individual for conduct not done by the person.
2. promote a safe, nurturing, and positive school and work environment. Conduct which is prohibited includes, but is not limited to:

- any conduct that is severe and objectively offensive so that it creates or results in an intimidating, hostile or offensive work or learning environment or has the purpose or effect of substantially or unreasonably interfering with an employee's or student's performance;
  - threatening, harassing, punishing or retaliating behavior against students and/or other employees.
3. maintain confidentiality concerning students, families and employees.
  4. act in a manner consistent with District policies, legal and contractual standards, responsibilities, and obligations.
  5. model and promote appropriate dress and language.
  6. report to a school administrator knowledge of mismanagement, waste of funds, misuse of school property, abuse of authority, threats to safety, violations of policies and regulations, or other conduct that damages integrity or reputation of the school district.
  7. refrain from using school employment to promote personal political and/or religious views.

In addition to the foregoing, the District, within this policy, adopts and incorporates into this policy as if set forth in full, the South Dakota Department of Education Professional Teachers Ethics as set forth in ARSD 24:08:03. The Professional Teachers Ethics as incorporated into this policy applies to:

- Teachers - a person charged with responsibility in the field of education and certified by the secretary of the Department of Education as a teacher or other specialist employed or contracted to provide services in an educational setting,
- Education Specialists - a person with specialized training or licensure, not serving as a classroom teacher, but employed or contracted to provide services in an educational setting, and
- Noncertified Educators - a person charged with responsibility in the field of education who is not certified by the secretary of the Department of Education as a teacher, administrator, or other education specialist, but who is employed or contracted to provide services in an educational setting.

Furthermore, the District, within this policy, adopts and incorporates into this policy as if set forth in full, the South Dakota Department of Education Professional Administrators Ethics as set forth in ARSD 24:11:03. The Professional Administrators Ethics as incorporated into this policy applies to:

- the Superintendent,
- the Business Manager, and
- all other educational administrators.

Any employee who believes a staff member has engaged in conduct which violates the code of conduct shall immediately report the alleged misconduct to their immediate supervisor. If the concern/complaint involves the individual's immediate supervisor, the complaint may be filed with any administrator within the school district.

All complaints will be investigated and should the investigation result in a determination of unethical behavior by a school employee such unethical behavior shall constitute just cause for discipline, up to and including termination of employment. A complaint reported which was intentionally and knowingly false will result in disciplinary action being taken against the person or persons involved in the false complaint being made.

### **EMPLOYEE COMMUNICABLE DISEASES- Policy GBEB**

The board recognizes its responsibility to provide a clean and healthy environment for students and school employees.

The determination of whether an infected employee be excluded from work activities shall be made on a case-by-case basis, under the direction of the principal/building administrator or designee.

In situations where the decision requires additional knowledge and expertise, the principal will refer the case to an advisory committee for assistance in determining the proper course of action.

The advisory committee may be composed of:

1. a representative from the State Health Department;
2. the employee's physician;
3. the employee and/or designee;
4. the school health service's supervisor;
5. the superintendent or designee; and
6. other appropriate school personnel.

In making the determination, the advisory committee shall consider:

1. the physical condition of the school employees;
2. the expected type(s) of interaction with others in the school setting;
3. the impact on both the infected school employee and others in that setting;
4. the South Dakota Department of Health guidelines and policies;
5. the status of certification of the employee under South Dakota Law;
6. the recommendation of the County Health Officer, which may be controlling;
7. information regarding the infected employee, which is, deemed part of his/her personnel records, therefore is classified as "Confidential".

The advisory committee may officially request assistance from the State Department of Health.

If employment of an infected employee is to be interrupted or discontinued, the employee will be entitled to use available medical leave and receive available benefits.

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

Health guidelines for work attendance are established and interpreted with the context of the case. The guidelines are not inclusive but are available to be used as a resource. School personnel will refer to school health professionals for specific judgments in interpreting the guidelines.

Instructions in appropriate handling of blood and body fluids will be provided. Hand washing after contamination, food preparation and health/hygiene care performed in different sink and work areas, maintenance cleaning and other personal hygiene measures are part of creating a healthy environment.

Specific health concerns may require the advisory committee to make a determination on school attendance or participation in school activities.

## **Bullying (Including cyber) - Policy JFCD**

### **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 cyberbullying (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.

Bullying may include, but is not limited to the following behaviors and circumstances:

1. Verbal, nonverbal, physical or written harassment, hazing, or other victimization that has the purpose of causing injury, discomfort, fear, or suffering to the victim;
2. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
3. Implied or explicit threats concerning grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
4. Demeaning jokes, stories, rumors or activities directed at a student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; or
5. Unreasonable interference with a student's performance or creation of an intimidating, offensive or hostile learning environment.

### 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 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.

## **Sexual Harassment Policy ACAA**

### **I. Policy Statement**

The District does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. *(34 CFR § 106(b)(1))*

The District is committed to a school environment which is free from sexual harassment and conducive to all students' educational opportunities. Sexual harassment can inhibit a student's educational opportunities and an employee's work. Sexual harassment of students attending school in the District or students from other schools who are at a District activity, and sexual harassment of school employees, school volunteers, parents, guests, visitors and vendors of the District shall also not be tolerated and is strictly prohibited.

All students, school employees, school volunteers, parents, guests, visitors and vendors shall conduct themselves in a civil and responsible manner and in a manner consistent with school policies. This policy prohibiting sexual harassment shall apply to all students, school employees, school volunteers, parents, guests, visitors 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.

Federal law (34 CFR § 106.30) defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following: (34 CFR § 106.30)

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. (34 CFR § 106.8(a))

Any student who believes that he or she has been or is being subjected to sexual harassment or has reason to suspect another person has been or is being subjected to sexual harassment may also report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing.

The District’s response shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with Title IX requirements before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. (34 CFR § 106.44(a))

## **II. Designation of Title IX Coordinator**

The Board has designated the following District employee to coordinate its efforts to comply with its responsibilities as set forth in 34 CFR Part 106, who shall be referred to as the “Title IX Coordinator.” (34 CFR § 106.8(a))

Mr. Bill Kitchenmaster  
1001 High St., Lake Andes, SD 57356 (605)487.7671

The District shall notify applicants for employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator. (34 CFR § 106.8(a))

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. (34 CFR § 106.30(a))

## **III. Dissemination of Policy**

The District shall notify persons entitled to the notification under Section I above that the District does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and this policy not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the District may be referred to the District’s Title IX Coordinator, to the U.S. Assistant Secretary of Education, or both.

The District shall prominently display the contact information required to be listed for the Title IX Coordinator on its website, and in each handbook or catalog that it makes available to persons entitled to a notification pursuant to Section I above. (34 CFR § 106.8(b))

#### IV. Adoption of Grievance Procedures

The District has adopted and published grievance procedures (ACAA-R(1), Sexual Harassment – Regulations) that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and this policy. The District shall provide to persons entitled to a notification under Section I above notice of the District's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the District will respond. (34 CFR § 106.8(c))

#### V. Definitions (34 CFR § 106.30(a), except when otherwise indicated)

- a. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability (when a person has a particular legal relationship to the person who acted negligently) or constructive notice (deeming notice of something to a person having been given, even though actual notice did not exist) is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District.
- b. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c. "Dating violence" means violence committed by a person:
  1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. i. the length of the relationship.
    - ii. the type of relationship.
    - iii. the frequency of interaction between the persons involved in the relationship. (34 U.S.C. 12291(a)(10))
- d. "Decision-maker" means the school administrator who has primary responsibility and authority related to students, staff and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the Board, and who has the authority to make a determination on the complaint as to responsibility of the respondent. (ASBSD sample definition)
- e. "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. (34 U.S.C. 12291(a)(8))
- f. "Education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs. (34 CFR § 106.44(a))
- g. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District.
- h. "Document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.
- i. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

- j. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- k. “Sexual assault” means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. (20 U.S.C. 1092(f)(6)(A)(v))
- l. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. fear for his or her safety or the safety of others; or
  2. suffer substantial emotional distress. (34 U.S.C. 12291(a)(30))
- m. “Supportive measures” means nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escorting the complainant while on District property or while a District off-campus activity, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

**VI. District’s Response to Sexual Harassment (34 CFR § 106.44)**

- A. General response to sexual harassment. Regardless of whether or not a formal complaint is filed, should the District have actual knowledge of sexual harassment in a District educational program or activity against another person in the United States, the District shall respond promptly in a manner that is not deliberately indifferent (i.e., if the District’s response to sexual harassment is clearly unreasonable in light of the known circumstances).

The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

- B. Response to a formal complaint. In response to a formal complaint, the District shall follow the grievance process as set forth in ACAA-R(1), Sexual Harassment – Regulations.
- C. Time frames. The timeframes set forth in the regulations shall be considered as a maximum length of time within which the related step is to be completed, however, the time frames may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party’s advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.
- D. Emergency removal. Nothing in Title IX regulations or this policy prohibits the District from removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal, however, nothing in Title IX regulations or this policy may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process, however, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**VII. Informal Resolution (34 CFR § 106.45(b)(9))**

- A. The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy.

- B. The District may not require the parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a formal complaint is filed.
- C. At any time prior to reaching a determination regarding responsibility the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:
  1. provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  2. obtains the parties' voluntary, written consent to the informal resolution process; and
  3. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**VIII. District's Grievance Process for Formal Complaints of Sexual Harassment** (34 CFR § 106.45(b))

- A. For the purpose of addressing formal complaints of sexual harassment, the District's grievance procedure as set forth in ACAA-R(1), Sexual Harassment – Regulations, shall be followed. There must be compliance with the requirements of this section, and any provisions, rules, or practices other than those required by this section that the District adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties.
- B. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known (34 CFR § 106.45(b)(2))
  1. Notice of the District's grievance process, including any informal resolution process.
  2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- C. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the District's education program or activity. (34 CFR § 106.45(b)(1)(i))
- D. The District shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. (34 CFR § 106.44(a))
- E. Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, the District:
  1. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination, and the parties shall not have either burden; (34 CFR § 106.45(b)(5)(i))
  2. cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student," (i.e., student who has reached 18 years of age), the District must obtain the voluntary, written consent of a "parent," (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian; (34 CFR § 106.45(b)(5)(i))
  3. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; (34 CFR § 106.45(b)(5)(ii))



4. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. *(34 CFR § 106.45(b)(5)(iii))*
  5. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *(34 CFR § 106.45(b)(5)(iv))*
- F. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *(34 CFR § 106.45(b)(1)(ii))*
- G. No individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *(34 CFR § 106.45(b)(1)(iii))*
- H. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *(34 CFR § 106.45(b)(1)(iii))*
1. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
  2. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
  3. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.
- I. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct. *(34 CFR § 106.45(b)(1)(iv); 34 CFR § 106.45(b)(2)(i)(B))*
- J. The District's grievance procedure as set forth in ACAA-R(1), Sexual Harassment – Regulations, shall:
- K. including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if District offers informal resolution processes; *(34 CFR § 106.45(b)(1)(vi))*
- L. include a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities; *(34 CFR § 106.45(b)(1)(v))*
- M. include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility; *(34 CFR § 106.45(b)(1)(vi))*
- N. state that for all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. *(34 CFR § 106.45(b)(1)(vii))*
- O. include the procedures and permissible bases for the complainant and respondent to appeal; *(34 CFR § 106.45(b)(1)(viii))*
- P. describe the range of supportive measures available to complainants and respondents; *(34 CFR § 1045(b)(1)(ix))* and
- Q. not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. *(34 CFR § 106.45(b)(1)(x))*
- K. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision B in this section, the District shall provide notice of the additional allegations to the parties whose identities are known. *(34 CFR § 106.45(b)(2)(ii))*
- L. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to

participate. (34 CFR § 106.45(b)(5)(v))

- M. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. (34 CFR § 106.45(b)(5)(vi))
- N. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. (34 CFR § 106.45(b)(5)(vi))
- O. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. (34 CFR § 106.45(b)(5)(vii))
- P. No adversarial hearing shall be held unless the determination of the Superintendent is appealed to the Board, or unless the Superintendent recommends the long term suspension or expulsion of a student, or the suspension without pay or termination of employment of an employee. (34 CFR § 106.45(b)(6)(ii))
- Q. The Superintendent may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The Superintendent may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board as set forth in ACAA-R(1), Sexual Harassment – Regulations. (34 CFR § 106.45(b)(8)(ii))

## **IX. Appeal**

- A. Both parties have the right to appeal to the Board the Superintendent's determination regarding responsibility, and also from a dismissal of a formal complaint or any allegations therein, on the following bases:
  - 1. Procedural irregularity that affected the outcome of the matter; (34 CFR § 106.45(b)(8)(i)(A))
  - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (34 CFR § 106.45(b)(8)(i)(B)) and
  - 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. (34 CFR § 106.45(b)(8)(i)(C))
- B. As to all appeals, the Title IX Coordinator shall: (34 CFR § 106.45(b)(8)(iii))
  - 1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
  - 2. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
  - 3. ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy;
  - 4. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
  - 5. ensure that a written decision is issued describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

## **X. Consolidation of Formal Complaints**

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable. (34 CFR § 106.45(b)(4))

## **XI. Dismissal of a Formal Complaint**

- A. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the District's education program or

activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment, however the dismissal does not preclude action under another provision of the District's code of conduct. (34 CFR § 106.45(b)(3)(i))

- B. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: (34 CFR § 106.45(b)(3)(ii))
  - 1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - 2. the respondent is no longer enrolled in or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- C. Upon a dismissal required or permitted pursuant to Section A. or B. above, the District shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. (34 CFR § 106.45(b)(3)(iii))

## **XII. Recordkeeping (34 CFR § 106.45(b)(10))**

- A. The District shall maintain for a period of seven years records of:
  - 1. each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
  - 2. any appeal and the result therefrom;
  - 3. any informal resolution and the result therefrom; and
  - 4. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.
- B. For each response required under XII.A., the District shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If the complainant is not provided with supportive measures, the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## **XIII. Retaliation Prohibited (34 CFR § 106.71)**

- A. Neither the District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this policy, constitutes retaliation.
- C. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination pursuant to the District's Nondiscrimination Policy.
- D. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.
- E. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited by this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **XIV. Confidentiality**

- A. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the

purposes of Title IX (34 CFR part 106), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. (34 CFR § 106.71(a))

- B. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. (34 CFR § 106.30(a))

### **REPORTING CHILD ABUSE – Policy JHG**

Any teacher or other school employee who suspects that a child under 18 years of age has been neglected or physically abused (including sexual or emotional abuse) by a parent or other person, will report orally or in writing this information to the building principal or superintendent. The principal or superintendent should immediately report this information to the state's attorney; or the department of social services; or the county sheriff; or the city police. If the principal or superintendent does not confirm to the teacher or other employee within 24 hours that action has been initiated, the employee will report this information directly to the proper authorities.

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.

Any personal interview or physical inspection of the child should be conducted in a considerate, professional manner. Information or records concerning reports of suspected abuse or neglect are confidential. Failure to make a report where abuse or neglect is suspected is subject to the same punishment.

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.

### **PERSONNEL RECORDS – Policy GBL**

A file of personnel records shall be maintained in the superintendent's office for each employee of the School District. A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

#### **CONFIDENTIALITY**

Personnel information concerning district employees is generally confidential and may be reviewed only on a "need to know" basis under conditions which guarantee management's right of access to information necessary to make judgments and the protection of the employees of the district against unnecessary invasion of privacy. Some personnel information is "public record" and must be released to any person upon request.

Some personnel information is "public record" and must be released to any person upon request:

(1) salaries,

(2) routine directory information, consisting of employee's name and address, and subject to the employee's right to direct that his/her address not be disclosed), and

(3) employment applications and related materials submitted by individuals hired into executive or policymaking positions within the District.

However, any current or prior contract with any public employee and any related document that specifies the consideration to be paid to the employee is by law a public document and to which the public has the right to examine and make memoranda and abstracts therefrom during regular school hours.

Pursuant to state law, any record or document, regardless of physical form, created by the District in connection with the evaluation of the Superintendent constitutes personnel information and is not open to inspection or copying.

Records of an employee's evaluation shall not be released without the written consent of the employee unless authorized or required by law.

Files containing medical information regarding an employee, including employment accommodations pursuant to Americans with Disabilities Act (ADA) and Rehabilitation Act Section 504, will be kept separate from other personnel files and shall not be released without the written consent of the employee unless authorized or required by law.

### TYPES OF INFORMATION

The records shall contain, at a minimum, the following information:

1. The correct name and the current address and telephone number of the employee;
2. An accurate record of the work experience of the employee;
3. Current data on education completed, including the transcripts of all academic work;
4. Proof of requirements fulfilled in order to be eligible for salary;
5. Current data on credentials and certification;
6. Records of assignment;
7. Evaluations of performance;
8. Letters of commendation, reprimand, or omission of duty.

### USE OF PERSONNEL RECORDS

All the contents of the personnel records file shall be available for inspection by the employee concerned. The district reserves the right to have a member of the Superintendent's office staff present at the time the employee inspects his or her personnel file. Similarly, at the time the record is reviewed, the employee shall have the right to have present a representative of his or her own choosing, if desired.

The employee shall have the right to respond to all materials contained in the personnel file and to any materials to be placed in the file in the future. Responses shall become part of the file.

Any complaints directed towards an employee, which are placed in the personnel file, are to be promptly called to the employee's attention in writing.

### PARENTAL NOTICE

If the District receives Title I funds, at the beginning of the school year the District shall inform the parents of children attending school that the parents 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 or degree held by the teacher, and the field of discipline of the certification or degree, and
- (4) whether the child is provided services by paraprofessionals and, if so, their qualifications.

If a parent requests the above-listed information, the district is required to provide the information in a timely manner. If the district has hired a teacher who is not highly qualified and the teacher has taught a child for four or more weeks, the district is required to provide the parents notice that their child has been taught by a teacher who is not highly qualified.

## **USE OF ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES BY EMPLOYEES – Policy GBEC**

Student and employee safety is a paramount concern to the school board. Employees under the influence of alcohol and/or other drugs are a serious risk to themselves, to students, and to other employees. Therefore, the school board will not tolerate the unlawful manufacture, use, possession, sale, distribution, or being under the influence of alcohol and/or other drugs on school property or at a school event off school property. Additionally, it shall be a violation of this policy for any employee to manufacture, use, possess, sell, distribute or be under the influence of medical cannabis in any manner inconsistent with South Dakota state law. Any employee who violates this policy will be subject to disciplinary action, which may include dismissal, and referral for prosecution. Each employee of the district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the superintendent any criminal alcohol and/or other drug statute convictions for any alcohol and/or drug violation. Such notification must be made by the employee to the superintendent no later than five (5) calendar days after conviction. Should the affected employee be the superintendent s/he will report to the Board no later than the next regular meeting of the Board.

Within thirty (30) calendar days after receipt of information concerning an alleged or proven violation(s) of this policy, the district will take appropriate disciplinary action, which may include termination of employment, requiring the employee to participate in alcohol and/or other drug abuse assistance or rehabilitation programs, and possible referral for prosecution.

The school board recognizes that employees who have an alcohol and/or other drug use/abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be provided a listing of the regional treatment facilities or agencies to assist him/her in their choice of a service provider.

If there is reason to suspect that a staff member is under the influence of alcohol and/or illegal drugs, the staff member will not be allowed on school property or to participate in school activities. Staff members will be subject to discipline for arriving at school or at a school activity under the influence of alcohol and/or an illegal drug. For the purposes of this policy, "illegal drug" means narcotics, drugs and controlled substances as defined in federal law or state law. "Illegal drugs" also include any prescription or over-the-counter drug that does not meet the following four criteria:

1. The employee has a current and valid prescription for the drug or the drug is sold over-the-counter;
2. The drug is used or possessed for the purposes for which it was prescribed or sold over-the-counter;
3. The drug is used or possessed at the dosage prescribed or recommended; and
4. The drug is used or possessed consistent with the safe and efficient performance of the employee's job duties.

Any staff member who is taking a drug or medication, whether or not prescribed by the staff member's physician, which may adversely affect that staff member's ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness.

The school board hereby commits itself to a continuing good faith effort to maintain a drug free environment.

A copy of this policy shall be given to all present and future employees.

Legal References: Public Law 100-690  
Adopted: January 12, 2009  
Revised: July 13, 2015  
Revised: 8.9.21

## **STUDENT RECORDS – Policy JO**

It is the policy of the school board that the principal of each school will be the legal custodian of all student records for that school.

Eligible students and parents will have access to their school records. The school will notify parents and adult students annually of the following:

1. The type of records kept;
2. The procedure for inspecting and copying these records;
3. The right for interpretation;
4. The right to challenge data thought to be erroneous, the procedures for correcting or expunging erroneous data or inserting a rebuttal statement;
5. The right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented.

Additionally, the district will notify parents annually of the district's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

The educational records or school records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others are exempted from this definition as are records maintained by a law enforcement officer assigned to the school and maintained by the officer solely for law enforcement purposes.

The school will require a prior written consent before information other than directory information may be divulged to third parties. 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 prior written consent. The superintendent will provide a list of directory information. An exception to this rule exists for school district employees who have legitimate interests in viewing the records, as well as officials in other schools in which the student seeks to enroll. A school district in which a student is enrolled or is in the process-of enrolling in, may request the students education records from any district in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. The records, including the student's disciplinary records, will be forwarded to the requesting district within three (3) business days. Disciplinary records shall include but not be limited to all information that relates to a student assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel. When schools transfer records to new educational institutions, the schools must notify parents of the transfer and of their right to review and contest the material. An exemption exists for material under court order. Parents must be notified of such order prior to release.

The district may disclose, without the consent or knowledge of the eligible student or parent, personally identifiable information in the educational records of a student to the Attorney General of the United States or his or her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes. The district is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.

The Superintendent is directed to establish procedures to ensure compliance with the Family Educational and Privacy Act and other applicable acts and regulations.

### **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.

#### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) - Policy JO-R**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the school district, with certain exceptions, obtain written consent from a student's parent or guardian prior to the disclosure of personally identifiable information from a student's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless a student's parent or guardian have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from student's education records in certain school publications. Examples include:

1. A playbill, showing the student's role in a drama production;
2. The annual yearbook;
3. Honor roll or other recognition lists;
4. Graduation programs;
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful of an invasion of privacy if released, can also be disclosed to outside organizations without a parent'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 local educational agencies (LEAS) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories—names, addresses, and telephone listings—unless parents or guardians have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If a student's parent or guardian does not want the school district to disclose directory information from his or her child's education records without prior written consent, he or she must notify the District in writing by September 15<sup>th</sup>.

The district has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- E-mail address
- Photograph
- Date and place of birth



- The most recent educational agency or institution
- Major field of study
- Grade level
- Dates of attendance
- Degrees, honors, and awards received.
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams.

### **HAZING – Policy JFCF**

It is the policy of the Board of Education and school district that hazing activities, of any type, are inconsistent with the educational process and will be prohibited at all times.

Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibition contained in this policy.

No administrator, faculty member, or other employee of the school district will encourage, permit, condone, or tolerate hazing activities. No student, including leaders of student organizations, will plan, encourage, or engage in any hazing.

Administrators, faculty members, and all other employees of the school district will be particularly alert to possible situations, circumstances of events, which might include hazing. If hazing or planned hazing is discovered, involved students will be informed by the discovering school employee of the prohibition contained in this policy and will be required to end all hazing activities immediately. All hazing incidents will be reported immediately to the superintendent.

Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to disciplinary action, and may be liable for civil and criminal penalties in accordance with state law.

The contents of this policy will be distributed in writing to all students and school district employees following its official adoption by the Board of Education. In addition, this policy will be incorporated into building, employee staff meetings or in-service programs.

### **ADMINISTRATION OF MEDICATIONS TO STUDENTS - Policy JHCD**

School personnel shall not administer prescription or nonprescription medication to students unless appropriate administration cannot reasonably be accomplished outside of school hours.

For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical cannabis. The administration of medical cannabis shall be in accordance with the Board's policy on administration of medical cannabis to qualified students.

Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by the school district nurse 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 the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in the original pharmacy labeled container. The label must specify the student's name, name of the medication, 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 only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

Legal references SDCL 36-9-28; 13-33A-1; 13-33A-2; 13-33A-3

ARSD 20:48

Revised 8.9.21

### **PROHIBITION AGAINST AIDING OR ABETTING SEXUAL ABUSE – Policy ACAB**

Employees, contractors and agents of the Andes Central School District are prohibited from assisting another school employee, contractor or agent in obtaining a new job if the District or the employee, contractor or agent of the District has knowledge of, or probable cause to believe, that the employee engaged in sexual misconduct with a minor or a student in violation of the law.

- **“Assisting”** includes but is not limited to giving a positive recommendation to a potential employer, but does not include the routine transmission of administrative and personnel files or information related to name of employee, contractor or agent, dates of employment/contract, and position held or work performed.
- **“Probable cause”** exists where the facts and circumstances within the [person's] knowledge, and of which they have reasonably trustworthy information, are sufficient in themselves to warrant a belief by a man of reasonable caution that [an offense] has been or is being committed."<sup>1</sup>
- **“Sexual misconduct”** is the umbrella term federal regulators use to categorize behavior that includes sexual assault, unwanted sexual contact, and sexual harassment."<sup>2</sup>

The requirements of this prohibition do not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency, or any other authorities as required by local, state or federal law or regulations, AND at least one of the following conditions applies:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or
2. The school employee, contractor or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

### **RESTRAINT AND SECLUSION – Policy 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 trained 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.

### **WELLNESS POLICY - Policy ADF (IGAJ)**

To support its mission, 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** – both through reimbursable school meals and other foods available throughout the school campus – 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 measurable procedures are identified in the regulation portion of the District policy manual (see ADF-R and IGAJ-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.

### **Health and Wellness Council**

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, health teacher, school nurse, school counselor, coach, classified staff, health professional, representative of local or county agency, representative of community organization, and food vendor.

The Health and Wellness Council shall serve as an advisory committee regarding student health issues and shall be responsible for developing a Wellness Policy that complies with law.

The Health and Wellness Council may examine related research, assess student needs and the current school environment, review existing Board policies and administrative regulations, and raise awareness about student health issues.

The Health and Wellness Council may make policy recommendations to the designated Board Committee related to policies that promote wellness.

The Health and Wellness Council may survey parents/guardians and/or students; conduct community forums or focus groups; collaborate with appropriate community agencies and organizations; and engage in similar activities, within the budget established for these purposes.

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.

School food service staff and nutrition education educators may cooperate to create nutrition learning experiences.

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.

Extended periods of student inactivity shall be discouraged.

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 comprehensive physical education course of study that focuses on providing students the skills, knowledge and confidence to participate in lifelong, health-enhancing physical activity shall be implemented.

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 shall 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.

Physical education classes shall have a teacher-student ratio comparable to those of other courses.

### **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, model 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 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.

### **Andes Central School District #11-1 Indian Policies and Procedures (IPP) Impact Aid Program**

It is the intent of the Andes Central School District that all American Indian children of school age have equal access to all programs, services and activities offered within the school district.

The Andes Central School District will consult with local tribal officials and parents of Indian children in the planning and development of Indian Policies and Procedures (IPPs), general education programs, and activities. These policies and procedures will be reviewed annually and revisions will be made within 90 days of the determination that requirements are not being adequately met.

The following policies and accompanying procedures shall become effective upon School Board action.

**POLICY (1): The Andes Central School District will disseminate relevant applications, evaluations, program plans, and information related to educational programs and activities with sufficient advance notice to allow the Yankton Sioux Tribe Business and Claims Committee and parents of Indian children the opportunity to review and make recommendations. [34CFR222.94(a)(1)]**

#### **PROCEDURES:**

The Andes Central School District will disseminate information and seek timely input regarding the following programs (including, but not limited to): Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; Title V, Part B subpart 2; Title VI, Part A, subpart 1; Title VII-Impact Aid programs; and Johnson O'Malley programming.

Representatives from the District (i.e. Superintendent, Cultural Coordinators) and Indian Education Committee will schedule face to face meetings with the Yankton Sioux Tribe Business and Claims Committee to seek input on all identified programs during the first two weeks in December and last two weeks in May. Any suggestions that are given will be properly documented and shared with the school board at the public hearing.

Draft applications, evaluations, and program planning documents will be made available to Tribal officials as well as the Indian Education Committee one week prior to the scheduled public school board meetings in January and June. All documentation will be delivered to the Business and Claims Committee personally by Andes Central staff.

A summary of proposed applications will be prepared for dissemination at the public hearings held on the second Monday in January and June in the Andes Central Board Room. These hearings will be publically advertised one week in advance of the hearing to allow all interested patrons to attend.

The Indian Education Committee and any other interested persons can review assessment data to help develop or modify educational programs and services allowing for the participation of Indian students on an equal basis in the district. This information is available for review within the designated principal's offices. No personally identifiable information will be made available for public review.

Minutes from the Indian Education meetings will be posted on the District's website for all patrons and Tribal officials to review. In addition, participation information will be shared on the District's website in December and June. This will allow for ongoing dissemination of information.

**POLICY (2): The Andes Central School District will provide an opportunity for the Yankton Sioux Tribe Business and Claims Committee and parents of Indian children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and on how the District may help those children realize the benefits of the educational programs and activities. [34CFR222.94(a)(2)]**

## PROCEDURES:

The Indian Education Committee of the Andes Central School District will meet during the first week of each month for the purpose of addressing comments and concerns of parents of Indian children regarding the District's educational programs and activities. The meeting agendas are posted one week in advance of the meeting in the local newspaper and all meetings are open to the public allowing for tribal officials as well as parents of Indian children the opportunity to submit comments and recommendations (either verbally or in writing) for consideration. All Indian Education Committee members are available to share information brought forth by patrons during the monthly meetings. There is no time restriction on when parents need to network with committee members, as this is ongoing.

A school board representative is a non-voting member of the Indian Education Committee. This representation allows for the discussion of the needs of the students and ideas to be brought forward to both the Indian Education Committee as well as the School Board.

At each of the monthly school board meetings, (held on the second Monday of each month) a section of time is set aside for communications from the public. This is a time to offer comments and suggestions regarding programming for Indian students. In addition, two public hearings are scheduled (January and June) which are specifically devoted to addressing questions regarding federal programs. Based upon suggestions, preferred methods of communication as well as ways to maximize participation, and times for meeting from tribal officials as well as parents of Indian children will be seriously considered to ensure maximum participation. It has been requested by tribal officials as well as the Indian Education Committee members, that information be shared verbally, as well as having an annual written summary prepared outlining suggestions as well as concerns.

Information will be included in student handbooks/enrollment packets regarding opportunities to provide input to the District.

The District and Indian Education Committee representatives will schedule meetings with the Yankton Sioux Tribe Business and Claims Committee to discuss ongoing programming goals. Formalized meetings will be scheduled during the first two weeks in December and the last two weeks in May, but ongoing conversations will be held throughout the year as requested by Tribal Officials and/or District employees.

**POLICY (3): The Andes Central School District will annually assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities. [34CFR222.94(a)(3)]**

## PROCEDURES:

The Andes Central School District's Superintendent and school staff, in conjunction with the Indian Education Committee, will review annual survey data and comments gathered from families, students, and staff throughout the year. The results of the data and its comments will be compiled in June of each year and shared with all interested parties in the district during the following September. In addition comments and/or suggestions brought forth from these conversations will become part of the Committee's approved minutes. This data will be utilized to develop appropriate supports for various programs.

During the public hearings in January and June, information will be gathered relating to Indian children's participation in the LEA's education programs and activities. Schools will attempt to identify all programs including extra-curricular as well as courses, clubs, activities that are not sanctioned by the state's Activities Association to better meet student needs. This listing is fluid as programs may change within the school from year to year. A listing of total enrollment for an identified activity, as well as Native American student enrollment is summarized. For advanced level courses, success rates are also considered. This information will also be made available to the Yankton Sioux Tribe's Business and Claims Committee and placed on the District's website for all to have access to.

The Indian Education Committee reviews the participation information and offers suggestions. This review takes place at their regularly scheduled meetings the first week in February and July. It is placed on the IEC agenda, and published in the newspaper for patrons and Tribal officials to respond to. This allows for ongoing input from patrons and tribal officials. All suggestions and input will be considered when planning schedules and activities for the upcoming school year.

**POLICY (4): The Andes Central School District will modify the IPPs if necessary, based upon the results of any assessment or input described in this document. [34CFR222.94(a)(4)]**

## **PROCEDURES:**

During the organization meeting of the Indian Education Committee held annually the first week in October, the Indian Policies and Procedures will be reviewed and revised if necessary. Once this had happened, the document will be forwarded to the Andes Central School Board as well as the Yankton Sioux Tribe Business and Claims Committee for review and consideration. If necessary, the Indian Education Committee, may suggest revisions at other times of the year as appropriate.

The Indian Education Committee is the primary entity which evaluates suggestions and recommendations for changes. Once draft revisions have been recommended by the Indian Education Committee, the Yankton Sioux Tribe Business and Claims Committee is given a written copy for review. If this draft is approved by the Business and Claims Committee, recommendations are then submitted to the Superintendent for review. It becomes the Superintendent's responsibility to offer suggestions to the school board regarding changes in the approved Indian Policy and Procedure document. If acceptable, the school board approves the recommendations. The official minutes of the school board make note of the approval by the school board. These minutes are published in the paper as well being available on the District's website.

A written copy of the approved Indian Policies and Procedures document is provided annually to all parents when they enroll their children in the District. The approved IPP is also available on the District's website.

**POLICY (5): The Andes Central School District will at least annually respond in writing to comments and recommendations made by the Yankton Sioux Tribe Business and Claims Committee or parents of Indian children, and disseminate the responses to all parties prior to the submission of the IPPs by the District. [34CRF222.94(a)(5)]**

## **PROCEDURES:**

The Indian Education Committee, the Superintendent, and building level staff will review parent and student input and surveys prior to the preparation of program applications. This review will occur in May and June in preparation for meetings with the Yankton Sioux Tribal Council (scheduled for the last two weeks in May) and school board special meeting (scheduled for the second Monday in June). Information regarding this input will be available at the public school board hearings in June and December. A summary of the results of the surveys along with how the District proposes to address areas of concern will be distributed to all patrons during fall Parent/Teacher conferences.

Any concerns that are brought forth through the Indian Education Committee or via conversations with the Yankton Sioux Tribe Business and Claims Committee will be responded to in an expedient manner. A summary of recommendations/suggestions will be kept on file in the Superintendent's Office for review and examination.

**POLICY (6): The Andes Central School District will annually provide a copy of the IPP to the Yankton Sioux Tribe Business and Claims Committee. [34CRF222.94(a)(6)]**

## **PROCEDURES:**

The Andes Central School District will annually provide a copy of the Indian Policy and Procedures to the Yankton Sioux Tribe Business and Claims Committee for review and approval. This will occur during face to face meetings scheduled during the last two weeks in May. Review of the information and any suggestions they have will be submitted to the Indian Education Committee for consideration at their reorganization meeting held the first week in October.

