

Stanley County School District #57-1
Board of Education – Regular Meeting Agenda

March 8, 2023 – 6:00 P.M.
Board Room – Parkview Auditorium

Proposed Agenda

1. Call meeting to order
2. Pledge of Allegiance
3. Approval of Agenda
4. Conflict of Interest Declaration
5. Consent Agenda
 - a. Approval of Minutes for February 8, 2023, Regular Board Meeting
 - b. Approval of Bills
 - c. Imprest Expense
 - d. Financials for February 2023
6. Public Comment
7. Student Report
8. Make-up days
9. Calendar
10. Approval of Policy ACAA: Sexual Harassment
11. Approval of Policy KL: Complaint Against School Employee
12. 1st Reading of Policy JHG: Reporting Child Abuse
13. Transfer of Funds Resolution
14. Administrators Report
15. Executive Session – per SDCL 1-25-2 (1) Personnel, (4) Negotiations
16. Contracts/Letters of Intent
17. Resignations
18. Volunteers
19. Adjournment

Policy ACAA: SEXUAL HARASSMENT

Status: DRAFT - 2nd
Reading

Original Adopted Date: Pending | Last Reviewed Date: 03/05/2023

APPENDIX P

SEXUAL HARASSMENT POLICY

1. POLICY

It is the district's policy that sexual harassment is illegal, unacceptable and shall not be tolerated. No employee or student of the school district or visitor on the school premises may sexually harass another. Any employee, student or visitor engaging in such conduct will be subject to disciplinary proceeding, which may include termination or expulsion for violation of this policy.

2. DEFINITION

Any unwelcome sexual advances, solicitation of sexual activity by the promise of rewards or the threat of punishment, sexual remarks and sexual assaults constitute sexual harassment. Sexual harassment has a negative effect upon academic and work performance and creates an offensive environment.

Sexual harassment might consist of verbal, physical, or other types of conduct that targets a person based on his/her sex that a person finds unwelcome.

3. RESPONSIBILITY

School district officers, employees and students are responsible for maintaining a working and learning environment free from sexual harassment in a school's education program and/or activity. False allegations may constitute libel or slander. Copies of the policy will be available at all administrative offices.

The district will respond to allegations of sexual harassment once it has actual knowledge that a person may have been a victim of sexual harassment.

4. COMPLAINTS

Any employee who believes that he or she has been the recipient of sexual harassment by a district employee or officer should report this incident to his or her immediate supervisor. If the immediate supervisor is involved in the activity, the violation should be reported to the supervisor's immediate supervisor. Students should report such incidents to the guidance counselor and/or the responsible administrator. All reported incidents will be investigated. Confidentiality consistent with due process will be maintained. Staff members who have been informed of a possible incident of sexual harassment must report the information to the district's Title IX Coordinator. All formal complaints will be thoroughly investigated using the Sexual Harassment Complaint Investigation Report.

If an employee or student files a written complaint because of dissatisfaction with the handling of the complaint, he or she may utilize the applicable grievance procedures.

5. RETALIATION

Federal law prohibits retaliation, threats of retaliation, suspension, or discharge against persons for raising good faith concerns regarding sexual harassment. Any retaliatory conduct is subject to disciplinary action.

Sexual Harassment Complaint Investigation

Name of Student/Staff Member _____ Grade _____
Name of Alleged Harasser _____ Grade _____
Date of Incident _____ Location _____
Name of Investigator _____ Investigation Date _____

Questions to Ask the Complainant:

WHO, WHAT, WHEN, WHERE, AND HOW:

1. Who committed the alleged harassment?
2. What exactly occurred or was said?
3. When did it occur and is it still ongoing?
4. Where did it occur?
5. How often did it occur?
6. How did it affect you?

RESPONSE:

1. How did you react?
2. What response did you make when the incident(s) occurred?
3. What response did you make afterwards?

AFFECT:

1. How did the harassment affect you?
 - a. Has your job been affected in any way?
 - b. Has your schoolwork been affected in any way?
 - c. How has your normal day been affected?

WITNESSES:

1. Are there any persons who have relevant information?
2. Was anyone present when the alleged harassment occurred?
3. Did you tell anyone about it?

4. Did anyone see you immediately after episodes of alleged harassment?

HISTORY:

1. Did the person who harassed you harass anyone else? (Do you know if the person you're reporting ever harassed anyone else? If so, who?)

2. Do you know whether anyone complained about harassment by that person?

EVIDENCE OTHER THAN WITNESSES:

1. Are there any notes, texts, emails, or other written or recorded evidence?

2. Is there any additional physical evidence, or other documentation regarding the incident(s)?

RESOLUTION:

1. How would you like to see the situation resolved?

OTHER:

2. Do you know of any other relevant information?

3. Prior to asking the alleged harasser these questions, provide him/her with the allegations (provide events and dates of the incident) against him/her.

Questions to Ask the Alleged Harasser:

1. What is your response to the allegations?

2. What do you remember about the incident(s)?

3. If the harasser claims that the allegations are false, ask why the complainant might lie.

4. Are there any persons who have relevant information?

5. Are there any notes, physical evidence, or other documentation regarding the incident(s)?

6. Do you know of any other relevant information?

Prior to asking a third party about an incident, provide a summary of the allegations.

Questions to Ask Third Parties:

1. What did you see or hear? When did this occur? Describe the alleged harasser's behavior toward the complainant and toward others in the workplace.

2. What did the complainant tell you? When did s/he tell you this?

3. Do you know of any other relevant information?

4. Are there other persons who have relevant information?

Reported findings should include:

1. Description of the issue

2. Summary of the factual findings

3. A list of witnesses

4. Assessment of witness credibility and reasonableness (include reasons for credibility determination)

5. A list of relevant documents

6. A chronology of events

7. Any action recommendation

School needs to address:

What will we do to prevent this from happening again?

How will we address a potential hostile environment?

Will the victim need additional services?

Will the school need to make arrangements for tutoring, completing assignments?

Provide steps to be taken if victim experiences retaliation from harasser/others

Policy KL: COMPLAINT AGAINST SCHOOL EMPLOYEE

Status: DRAFT - 2nd
Reading

Original Adopted Date: Pending | Last Reviewed Date: 03/05/2023

COMPLAINT PROCEDURE

It is the belief of the School Board that complaints may arise as the result of a misunderstanding which could be resolved through the mutual efforts of the person having the complaint and the employee. Constructive criticism of the schools is welcomed by the Stanley County School District when it is motivated by a sincere desire to improve the quality of the education program and to help the school personnel in performing their tasks more effectively.

The School Board places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or negative criticism and complaints.

Whenever a complaint is made directly to the School Board as a whole or to a School Board member as an individual, the board member or entire board may listen to the person's complaint but shall take no action unless there has been compliance with this Policy. The person bringing the complaint will be directed to the procedure as set forth below.

COMPLAINT PROCEDURE

STEP 1: Initial Complaint

A. The person having a complaint must initiate the complaint procedure within twenty-one (21) calendar days from the date the Complainant knew or should have known of the conduct of the Employee giving rise to the complaint. The person having the complaint related to a school employee must initiate the complaint procedure in one of the following ways:

- meet and discuss the concern with the Employee involved; OR
 - meet and discuss the concern with the Employee's Principal.
1. If the Complainant met with the Employee and the complaint was not resolved, the Complainant must meet and discuss the complaint with the Employee's Principal within ten (10) calendar days of the meeting with the Employee. The principal shall complete a Complaint Form. The Complainant shall sign and date the Complaint Form verifying the accuracy of its content.
- B. The principal shall give a copy of the complaint to the Employee and schedule an informal meeting with the Complainant, Employee and Principal present. Should a resolution be obtained, the resolution shall be noted on the Complaint Form. Should a resolution not be obtained, the Complainant and/or the Employee may request a decision by the principal on the merits of the complaint by making the request on the Complaint Form. The principal shall render a decision in writing within five (5) calendar days of the request for a decision on the merits of the complaint. The Complainant and the Employee shall receive written notification of the principal's determination/resolution.
- D. The principal's decision may be appealed by the Complainant or Employee to the Superintendent within (5) five calendar days of receipt of the principal's written decision pursuant to Step 2. If the Principal does not render a written decision within the required time frame (5 days unless extended) the Complainant or Employee may appeal to the Superintendent pursuant to Step 2.

Should the complaint be against a Principal, the Superintendent shall address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the School Board pursuant to Step 3. Should the complaint be against the Superintendent (or the Principal who also is the Superintendent) the Complaint Form shall be given to the Business Manager. The Business Manager shall give the Complaint Form to the School Board President or Chairperson. At the next School Board meeting, the School Board will designate a person who is not an Employee of the District to address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the School Board pursuant to Step 3.

STEP 2: Appeal to the Superintendent

The following procedure shall be used to address an appeal of the Principal's decision made in Step 1, or if the Principal failed to render a decision in the required time frame:

- A. The appeal shall be in writing using Exhibit 2. The appealing party must attach the Complaint and the Principal's written decision if a decision was rendered.
- B. Upon receipt of an appeal, the Superintendent will provide a copy of the appeal to the other party. Within five (5) calendar days, the other party may submit a written response to the appeal. The Superintendent shall provide a copy of the response to the appealing party.

- C. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant and Employee, (b) meet and discuss the matter with the Complainant, Employee and Principal, or (c) meet and discuss the matter with the principal.
- D. Within five (5) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The Complainant, Employee and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the principal's decision. The Superintendent may also refer the matter back to the principal for further investigation. The principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.
- E. The Superintendent's decision may be appealed by the Complainant to the School Board within (5) five calendar days of receipt of the Superintendent's written decision pursuant to Step 3. If the Superintendent does not render a written decision within the required time frame (5 calendar days) the Complainant may appeal to the School Board pursuant to Step 3.
- F. If the Employee believes the Superintendent's decision constitutes a violation, misinterpretation or inequitable application of School Board policy or collective bargaining agreement applicable to the Employee, the Employee may file a grievance pursuant to the applicable grievance policy. A grievance filed pursuant to this provision shall be initiated at the Superintendent level.

STEP 3: Complainant's Appeal to the School Board

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

- A. An appeal to the School Board shall be in writing using Exhibit 3. The Complainant must attach the complaint, the principal's written decision if a decision was rendered, the appeal to the Superintendent, the response to the appeal if any, and the Superintendent's decision if one was rendered.
 - B. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within five (5) calendar days of Complainant's receipt of the Superintendent's written decision.
 - C. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the employee involved.
 - D. Upon receipt of an appeal to the School Board, the School Board shall at its next meeting schedule a date, time, and location for the appeal hearing.
1. Within ten (10) calendar days of the hearing, the School Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision.
 2. If the Complainant is dissatisfied with the School Board's decision, the Complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

**COMPLAINT AGAINST SCHOOL EMPLOYEE
REPORT FORM**

Date Form Completed: _____

Form Completed by: _____

Person Filing the Complaint (Complainant): _____

Address/Phone # of Complainant: _____

Employee Involved: _____

Nature of Complaint: The person making the complaint shall with specificity identify when and where the employee conduct occurred, the conduct of the employee which is the basis of the complaint, witnesses, and any other pertinent information.

_____ (use additional sheets if necessary).

Was a meeting held between the person having the complaint and the employee?
Yes _____ No _____

If a meeting was held, when was it held, what happened at the meeting and what was the outcome of the meeting:

If a meeting was not held, explain why not: _____

Resolution requested/sought by complainant: _____

Date Complainant

Date _____

School Official Completing the Report Form

Step 1 mutually agreeable resolution was reached:

Yes _____ No _____

If resolution, manner in which the complaint was resolved:

Complainant (initial/date) _____ Employee (initial/date) _____

If no mutually agreed upon resolution was reached, I request a decision by the Principal on the merits of the complaint:

Yes _____ No _____ Complainant (initial _____) Date _____

Yes _____ No _____ Employee (initial _____) Date _____

**COMPLAINT AGAINST SCHOOL EMPLOYEE
APPEAL TO THE SUPERINTENDENT**

I/We Appeal the Principal's Step 1 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Principal's decision is wrong] :

ATTACH A COPY OF THE COMPLAINT REPORT AND THE PRINCIPAL'S DECISION.

----- Date	----- Complainant
----- Date Received	----- Superintendent

**COMPLAINT AGAINST SCHOOL EMPLOYEE
APPEAL TO THE SCHOOL BOARD**

I/We Appeal the Superintendent's step 2 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Superintendent's decision is wrong]:

ATTACH A COPY OF THE COMPLAINT, PRINCIPAL'S DECISION, APPEAL TO THE SUPERINTENDENT, STEP 2 WRITTEN RESPONSE(S) IF ANY, AND THE SUPERINTENDENT'S DECISION.

----- Date	----- Complainant
----- Date Received	----- Board President/Chairperson – Business Manager:

Policy JHG: REPORTING CHILD ABUSE

Status: DRAFT - 1st
Reading

Original Adopted Date: Pending | Last Reviewed Date: 03/05/2023

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

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

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

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

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

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

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

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