

5001 Compulsory Attendance and Excessive Absenteeism

Required Attendance

Every person residing in the school district who has legal or actual charge or control of any child who is of mandatory attendance age shall cause that child to attend a public or private school regularly unless the child has graduated from high school or has been allowed to disenroll pursuant to this policy.

Mandatory Attendance Age

All children who are or will turn five years old before September 1 of the current school year are eligible to attend kindergarten. Children who are or will turn six years old before September 1 but who have not turned eighteen years of age are of mandatory attendance age. Any child who transfers from another state may proceed in a continuous educational program without interruption, even if that student has not previously attended Kindergarten or does not meet the age requirements described in this policy.

Exceptions – Alternative Instruction

This policy does not apply when a child is provided with alternative instruction in accordance with state law.

Discontinuing Enrollment – Religious Exemption

A child who has completed the first eight grades is excused from mandatory attendance if the child or the child's parents are members of a religious group that objects to public high school education. The religious group must also provide a regularly supervised program of instruction compliant with South Dakota law.

Attendance Officer

Each building principal is designated as an attendance officer for the district. Each building principal, at his or her discretion, may delegate these responsibilities to any other qualified individual. The attendance officer is responsible for enforcing the provisions of state law relating to compulsory attendance. This responsibility includes but is not limited to filing a report with the circuit court of the county in which a student resides. Compensation

for the duties of attendance officer is included in the salary for the superintendent or designee.

Excused Absences

The following absences may be considered excused if they are confirmed by communication to the school from the student's parent/guardian:

1. Physical or mental illness of the student (a physician's verification is required after four (4) consecutive days of absence for illness)
2. Severe weather
3. Medical appointments for the student
4. Attending a funeral, wedding or graduation
5. Appearance at court or for other legal matters
6. Observance of religious holidays of the student's own faith
7. Personal or family vacations

Exempt Absences

The following absences will not be counted toward truancy and a student will not be counted as absent if the student:

- misses school due to attendance at a school activity,
- attends a college visit (only twice a year),
- experiences a death or a serious illness of the student's immediate family member,
- attends the South Dakota State Fair.

Excessive Absenteeism

The attendance officer will warn parents or guardians of excessive absences. If a student regularly fails to attend school and ignores the attendance officer's warnings, the school attendance officer may file a complaint before a circuit court judge against the student's parent or guardian.

Data shows a student missing 10% or more of the school year results in substantial harm to the student's learning. To avoid this harm, the District will use the following procedure to incentivize attendance.

Student's missing their 5th day of school will have a letter sent to the parent/guardian from the attendance officer. A copy of the district's attendance policy will be sent with the letter.

Students missing their 10th day of school will have a letter sent to the parent/guardian reviewing the student's absences. A copy of the letter will be sent to the superintendent. Parents/guardians will agree to a meeting regarding the student's absences. If the parents/guardians do not agree to a meeting, the attendance officer will consider the student truant and send a letter to the State's Attorney concerning the number of absences. After a student's 10th absence, the student will not be allowed to complete make-up assignments.

Students missing their 15th day of school will have a letter sent to the parents/guardians, the superintendent and the State's Attorney.

Adopted on: July 10th, 2023

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5001.1
Compulsory Attendance and Virtual Learning

Any student engaged in distance learning must still comply with policy 5001 regarding attendance. A virtual learner is any student engaged in learning while not in physical attendance at the school. Each failure to complete assigned work for a particular day be counted as an absence under Policy 5001. Multiple absences under this policy will lead to the consequences described in Policy 5001, up to and including filing a complaint for truancy with the circuit court.

Adopted on: July 10th, 2023

5002
Admission of Students

Students shall be admitted to the school district who are:

- children whose parents or guardian reside in the district;
- approved for open enrollment pursuant to policy;
- approved as foreign exchange students pursuant to policy; or
- out-of-state students who have been enrolled pursuant to policy.

Children Ineligible to Enroll

Children who have been placed in a foster home within the school district are not residents of the district and will not be permitted to enroll unless the child was placed in the District by the South Dakota Department of Social Services, South Dakota Unified Judicial System, or South Dakota Department of Corrections. .

Except in adult education classes or when otherwise required by law, no student who reaches the age of 21, or who has earned a high school diploma or its equivalent will be allowed to be enrolled in or continue to attend school in the district. Students who reach the age of 21 after July 1 will be allowed to continue enrollment.

Students who seek to enroll in the district must comply with each board policy, state statute and regulation that applies to their situation. Grade level placement will be determined in accordance with district policy. The Board may make exceptions to this policy on an individual basis in accordance with state law.

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5003
Admission of Part-Time Students

A student may be permitted to enroll on a part-time basis pursuant to this policy and applicable curricular practices when enrollment is appropriate for reasons that include but are not limited to the following: the student receives alternative instruction on a part-time basis; is enrolled for a limited number of credit hours needed to graduate; has a modified schedule because of a disability or as part of an individualized education plan; or is a student who resides in the school district but attends a private, denominational, or parochial school or a school that elects not to meet accreditation or approval requirements.

Placement of Students. Part-time students shall be placed in courses for which they have adequate preparation and which are determined to be educationally appropriate based on criteria that include, but are not limited to the student's age, achievement test scores, academic record, evaluation by school personnel and any other standards used by the district for the placement of students. Students who are enrolled at least half-time are required to take the same academic achievement tests administered to full-time students.

Grades and Academic Honors. Part-time students shall receive grades, report cards, and transcripts, but shall not be eligible to graduate, receive a diploma or qualify for class ranking unless they meet all district requirements for such including earning a sufficient number of credit hours and semesters of attendance.

Transportation. Part-time school students are not entitled to transportation or reimbursement for transportation by virtue of their status as part-time students.

Open Enrollment. Students may not enroll on a part-time basis pursuant to the school's open enrollment program.

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5004 Open Enrollment

Nonresident students and parents may apply for enrollment within the school district. Resident students may also apply for enrollment at an attendance center different from that to which the student is assigned. The school board or its designee will grant nonresident requests for transfer into the district and resident requests within the district unless the transfer would result in an inability to provide a quality educational program.

Criteria for Determining Eligibility. When determining eligibility, the school district will analyze the capacity of the applicable program, class, grade level, and school building. The school district will also consider pupil/teacher ratio. Openly enrolled students may only participate in extracurricular activities if they also enroll in classes full-time, in accordance with South Dakota law.

For the purposes of this policy, the definition of “capacity” encompasses more than strictly class size, and may include capacity of particular extracurricular programs, in accordance with state law.

The school district will consider requests in the order received, but will prioritize requests for students who have siblings enrolled in the school district. No student currently under suspension or expulsion from another district may open enroll into the school district.

Requests for Multiple Students in the Same Family. Requests from two or more nonresident students from the same family who reside in the same household will be approved or denied as a unit. The school district will not deny such requests if doing so would result in children in the same household attending different school districts. The school district may deny requests for a student in need of special education services if the school district is unable to provide an appropriate instructional program and facilities, including transportation, regardless of whether the school district accepts a request from a student in the same household.

Request Procedure. The superintendent must receive requests from before the last Friday in September for the Fall semester and before the last Friday in January for the Spring Semester. Approvals occurring after the Fall deadline will take effect the following semester, while approvals after the Spring deadline will take effect the following school year.

These deadlines do not apply if the student is seeking to openly enroll in an alternative school, the student enrolls in another district after the deadline, or

the superintendent determines special circumstances exist to justify transfer after the deadline.

Requests must be submitted on the forms attached to this policy. The superintendent will notify the applicant and resident school board of acceptance or denial within five days of making the decision. The applicant can withdraw the request prior to approval with written notification to the superintendent. Once approved, the student is obligated to attend school within the school district unless they apply for another transfer or change residence. Annual reapplication is unnecessary once the school district has approved a request.

Appeals of Requests. A parent, guardian, or student may appeal the decision of the superintendent to the Board of Education. The Board of Education's decision may be appealed in state circuit court.

Requests for Students Receiving Special Education Services. The school district may only grant such transfers if it obtains and reviews copies of all of the student's relevant special education records from the resident district. The school district must also communicate with the student's parent or guardian and representatives from the resident district regarding the student's special education and related service needs prior to accepting a request.

If based on the records review and said communications the school district determines it is able to provide an appropriate instructional program, including transportation, to meet the student's needs, it may accept the request. If the school district is unable to make such a determination, it will convene a meeting of the student's individual education program with representatives from both districts to determine whether the school district can provide an appropriate instructional program if necessary.

The school district may deny a request from a student receiving special education services under the standard eligibility criteria. It may also deny a request if the student's individual education program team (consisting of representatives from both districts) determines the school district is unable to provide an appropriate instructional program, including transportation.

If the school district accepts a request from a student receiving special education services, it is responsible for providing the student a free appropriate public education. If after acceptance of the request the student wishes to return to the original district, it must apply for open enrollment in accordance with that district's policies.

Any request by a student receiving special education services which does not indicate the student is receiving such services is void.

Returning to Resident District. If a student who has open enrolled into the district wishes to return to the resident district, the student must notify both school boards of the student's intent to return no later than August 1.

Transfer Credits. The school district will accept credits for any course completed in any other accredited school district as a result of an accepted transfer request. The school district will only award a diploma to a student who satisfactorily meets its graduation requirements.

Tuition. The school district will charge tuition to any student enrolled under this policy if that student is not entitled to free school privileges under South Dakota law, including those not residing in South Dakota. Tuition will be paid in advance monthly, in an amount to be decided at the annual meeting of the Board of Education in July. Payment in full is due to the central office of the district on or before the first day of classes each semester. The tuition fee may be changed by the board of education prior to any semester with or without notice to the out-of-state student's family or resident school district.

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5005
Transportation of Open Enrollment Students

The board of education provides transportation to openly enrolled students only if (a) the openly enrolled student makes arrangements to be picked up and dropped off at a designated stop; or (b) lives in South Dakota within 40 miles of the school building. The District may, but is not required to, go beyond these parameters to pick up students at the Superintendent's discretion.

The district is not required to provide mileage reimbursement for openly enrolled students unless otherwise required by law.

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5006
Foreign Exchange Students

The school district may accept a foreign exchange student on a non-tuition basis if the student is sponsored by an organized exchange program that is acceptable to the board of education, approved for enrollment, and resides with a host family that lives within district boundaries.

A foreign student is not entitled to tuition-free schooling in the school district merely because he or she resides with a family within the district. The host family and/or sponsoring exchange program must file an application with the administration to enroll the student. In reviewing the application, the administration will consider the following factors:

- whether the student possesses a sufficient command of the English language;
- whether an appropriate program is available;
- whether the student meets the general admission requirements for the school; and
- such other factors as are relevant to the admission of the student.

Foreign exchange students who are accepted and enrolled will be subject to all policies and regulations governing the conduct and behavior of resident students.

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5007
Enrollment of Expelled or Suspended Students

The administration shall not enroll any student during the term of any known expulsion of the student from any public school in any state. The district shall not enroll any student during the known term of any expulsion or suspension of the student from a private school unless the board has approved the enrollment.

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5008
Pregnant or Parenting Students

Students who are pregnant or parenting are encouraged to continue participating in the district’s educational and extracurricular programs.

Students who anticipate deviations from their regular school experience or accrue absences due to pregnancy or parenting should notify their building principal as early as possible to discuss their educational programming. The building principal will work with the student to develop a plan to assist the student in participating in district curriculum and extra-curricular activities.

Students with Disabilities. For students with disabilities who have an IEP or Section 504 plan, the administrators, student’s parents or guardians, and student if appropriate will collaborate with the student’s educational team to coordinate accommodations consistent with state and federal law. As permitted by law, students may be entitled to accommodations as a result of pregnancy.

Accommodations Regarding Lactation and Breastfeeding. In order to accommodate lactating and breastfeeding students, the district will provide reasonable opportunities to express breast milk or breastfeed in a place, other than a bathroom, which is shielded from view and free from intrusion from district students, employees, and the public. Students who wish or need to express breast milk on a regular schedule will work with school administrators to create a schedule which accommodates the student’s needs while facilitating education to the maximum extent possible. The district will provide a location for students to store expressed breast milk in or near the location designated for students to express milk to create the least amount of disruption to the student’s participation in class or activities.

Educational Process. In order to prevent interference with the educational process, no student shall express breast milk within school classrooms or buses. Nothing in this policy limits the authority of the administration to impose consequences consistent with state and federal law.

Adopted on: July 10th, 2023
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5009
Adult Education

The board authorizes the administration to design and implement adult education as appropriate to the needs of the community and the programs of the district. The specific courses offered and expenditures necessitated by the adult education program will be approved by the board on an ad hoc basis.

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5010 Immunizations

Each student wishing to enroll in the school district must be immunized as required by state law and the rules and regulations promulgated by the South Dakota Department of Health and Human Services within 45 days of the start of classes. The required immunizations are:

- poliomyelitis
- diphtheria
- pertussis
- rubeola
- rubella
- mumps
- tetanus
- meningitis
- varicella

The district is not responsible for the cost of such immunizations. If a student is unable to afford the proper immunizations, the school district will reach out to the local department of health who will provide the required immunizations at public expense. Any student who does not comply with this policy shall not be permitted to continue attending school. The building principal shall be responsible for maintaining immunization records for the students enrolled in his/her building and shall share that information with the school's threat assessment and crisis teams as appropriate. The student will present a certification from a licensed physician that the child has received or is in the process of receiving the required immunizations.

Exceptions. The student is not required to receive immunizations if the student can provide certification from a licensed physician that immunizations would endanger the student's health or the student's parent or guardian provides a written statement asserting adherence to a religious doctrine opposed to immunization.

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5011
Physical Examination of Students

Physical Examination. All students wishing to participate in athletics will provide evidence of a physical examination by a licensed physician. Evidence of a physical examination must be dated no more than six months prior to entrance.

Objection to Examination. Any parent(s) or guardian(s) who object to a physical and/or vision examination and evaluation must submit a signed and dated refusal form to the school.

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5012
Testing and Assessment Program

The school district will use a basic testing and assessment program to evaluate the outcome of the educational program and to provide information needed in working with individuals. The program will be supplemented by such individual and supplementary tests as the needs of the educational program and the district indicate. The superintendent and designees will coordinate the program from Kindergarten through twelfth grade to provide continuity. Teachers are prohibited from engaging in any behavior that adversely affects the validity of test scores as a measure of student achievement. Teachers should consult with relevant board policies and district protocols assessment administration and security.

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5013
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5014 Homeless Students

General Policy. The District will provide tuition free education for homeless children and youth who are in the district and accord them the educational rights and legal protections provided by state and federal law. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless and shall have access to the same services offered to other students. It is the intent of this policy to remove barriers to the enrollment and retention of homeless children and youth in the District.

Homeless Liaison. The District's homeless liaison is the Superintendent. Students in homeless situations who require assistance should contact the liaison at 605-537-4283 or in person at 202 Finley Ave, Rosholt SD, 57260. The liaison's responsibilities include:

- Ensuring homeless children and youth are identified through coordination with the South Dakota Department of Education, community groups, and other school personnel;
- Receiving training regarding state and federal law governing homeless children and youth;
- Ensuring homeless children and youth and their families are referred to appropriate health care, housing, and other relevant service providers and programs available in the community;
- Assisting other District personnel to work with homeless children and youth and their families on regular attendance, participation in programs and activities of the District, and completing academic work to meet academic standards of the District;
- Assisting homeless children and youth and working with other District employees to prepare for and improve college readiness, including assistance with applications, selection, financial aid, and status verification for purposes of the Free Application for Federal Student Aid; and
- Carrying out other aspects of this policy.

Definitions. "Homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an act of Congress or by state law.

"Child" and "youth" refers to persons who, if they were children of residents of the District, would be entitled to a free education.

The term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

"School of origin" means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

School Stability and Enrollment. Generally, the District presumes that keeping a homeless child or youth in their school of origin is in the child's best interest unless it is contrary to a request of the child's parent, guardian, or in the case of an unaccompanied youth, the youth. The District will also consider factors including, but not limited to: the impact of mobility on achievement, education, health, and safety of the child.

Strategies to Address Enrollment Delays. In order to address enrollment delays resulting from homelessness, the school district shall immediately enroll homeless students even if they are unable to produce records normally required for enrollment such as immunization and medical records, residency documents, birth certificates, school records, or other documentation, or guardianship documents. The school district shall immediately contact the school last attended by the student to obtain academic and other records. The school district's homeless liaison shall assist in obtaining necessary immunizations, or immunization or medical records.

Transportation. Transportation shall be provided to homeless students to the extent required by law and comparable to that provided to students who are not homeless. At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation shall be provided to and from the school of origin as follows:

- a. If the homeless child or youth continues to live in the area served by the school district, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the school district.
- b. If the homeless child's or youth's living arrangements in the area served by the school district terminate and the child or youth, though continuing his or her education in the school district, begins living in an area served by another school district, the school district and the new school district in which the homeless child or youth is living shall negotiate to agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school district. If the districts are unable to agree, the responsibility and cost for transportation shall be shared equally.

Records. The District will maintain and respond to requests for enrollment records for homeless children or youth consistent with its record policies and state and federal record laws. Any information about a homeless child's or youth's living situation shall be treated as a confidential education record and shall not be deemed directory information.

Dispute Process. If a dispute arises over school selection or enrollment in a school:

- The child or youth shall be admitted immediately to the school in which enrollment is sought, pending resolution of the dispute;
- The child, youth, parent, or guardian shall be referred to the district's homeless liaison who shall carry out the dispute resolution process within (30) thirty calendar days after receiving notice of the dispute;
- The parent or guardian of the child or youth or, in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision within (30) thirty calendar

days of the time such complaint or dispute is brought.

- In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought pending resolution of the dispute.

Appeal Process. If the Complainant is not satisfied with the written decision of the District after the dispute resolution process, the Complainant may appeal the decision of the District to the South Dakota Department of Education within 10 calendar days of receipt of the decision from the District. If the Complainant wishes to appeal the school district's decision, the district will provide the South Dakota Department of Education's appeal procedures.

If the Complainant is not satisfied with the decision of the Department of Education, the Complainant may take action through the court system.

Adopted on: July 10th, 2023

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DISPUTE PROCEDURES – NOTICE OF RIGHTS
McKinney-Vento
Education of Homeless Children and Youth Act
Every Student Succeeds Act of 2015 (ESSA)

The Every Student Succeeds Act of 2015 (ESSA) reauthorizes the McKinney–Vento Homeless Assistance Act Subtitle VII Section 722(g)(1)(C) [42 U.S.C. §§ 11431-11434A]. This law requires the South Dakota Department of Education (SD DOE) to adopt procedures for resolving disputes regarding certain decisions made by school districts pertaining to students experiencing homelessness. This guide and form explains how to file a dispute.

South Dakota Department of Education (SEA)
Dispute Procedures for McKinney-Vento Programs
[42 U.S.C. § 11432(g)(1)C]

General Information

- The district makes a written decision and the parent, guardian or unaccompanied youth disagrees leading to a dispute. A dispute must be initiated at the school/school district level by a parent, guardian or unaccompanied youth with the assistance of the school district M-V liaison. The local liaison must ensure that disputes are mediated in accordance with the State’s procedures. [42 U.S.C. § 11432(g)(6)(A)(vii)] If applicable, please provide notice that the person initiating the dispute speaks English as a second language so that accommodations may be made, if needed.
- A dispute must have proceeded through the school district process, a district decision made, and the school district decision provided to the parent, guardian or unaccompanied youth in writing. Only disputes that have gone through all levels of the district resolution process will be reviewed by SD DOE.
- If the dispute is not resolved to the satisfaction of the parent, guardian or unaccompanied youth, further action may be initiated by the parent, guardian or unaccompanied youth. The dispute may be forwarded to the SD DOE for further consideration. The school district M-V liaison may assist, upon request, with completing the paperwork for the SD DOE.
- The SD DOE will process the dispute according to the department’s established procedures as quickly as possible and provide the parent, guardian or unaccompanied youth, and the school district with a written explanation of the decision.
- If the SD DOE decision is not satisfactory, further action through the courts may be investigated by the parent, guardian or unaccompanied youth.

Explanation of Disputes

The law states that certain school district actions may be disputed. The three areas are defined below.

- **Eligibility** - The school district failed to identify my child or youth or, in the cases of unaccompanied youth, myself as homeless under the M-V Statute. By failing to make identification, the rights of the student experiencing homelessness were not protected.
 - A homeless student is allowed immediate enrollment regardless of missing school records, proof of residency, immunization and other required health records, lack of a parent or guardian or other documentation.

- **School Selection** - The school district failed to allow my child or youth or, in the case of unaccompanied youth, myself to continue to attend the school of origin based on “best interest” and the wishes of the parent, guardian or, in the cases of the unaccompanied youth, myself.
 - School Selection – based on the “best interest” of the child or youth and the wishes of the parent, guardian, or unaccompanied youth, was the child able to attend the school of origin or enroll in the local attendance area school.

- **Immediate Enrollment and/or Full Participation** - The school district failed to immediately enroll and/or allow the student to fully participate. Immediate is defined as “without delay”.
 - Full participation is attending classes immediately, even if the school has not yet received school records, special education records, immunization or other health documents. Is the child or youth being provided full participation in school activities? Has enrollment been immediate in any public school that regularly housed students, who live in the attendance area in which the child or youth is actually living, are eligible to attend?

Dispute Process at the SD DOE level

- **Record.** Upon receipt of a written appeal of a district decision where the parent, guardian or unaccompanied youth did not agree with the decision, a record of the source and nature of the dispute will be initiated.
- When a dispute is received, SD DOE will notify the district homeless liaison that a dispute was filed. A request that all related documentation, including the dispute resolution record and any other information the school board used in its decision-making, is submitted to the SD DOE within 5 business days. The homeless liaison will provide information to SD DOE about the local dispute resolution process that was conducted and any other information that pertains or is requested by the State Coordinator of Homeless Education.
- **Investigation.** The SD DOE will initiate an investigation within 10 business days, which will be concluded within 30 business days from receipt of the appeal. Such investigation may include a site visit if the SD DOE determines that an on-site investigation is necessary. By stipulation of all concerned, this investigation may be continued beyond the 30 business day limit. Dispute resolution will be considered a priority and will be resolved in the minimum time possible.
- **SD DOE's Written Decision.** SD DOE's decision will be sent by letter electronically and in hard copy to the parent, guardian, or unaccompanied youth who filed the dispute; the local school district's homeless liaison; and the local superintendent.
- SD DOE's decision is final and no further appeal on this decision will be reviewed.
- The parent, guardian, or unaccompanied youth may consult with their private attorney about legal action.

SOUTH DAKOTA

**DISPUTE OF ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT
UNDER THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

Note: This form may be used at the district level (as allowed) and the state level. You have the right to retain an advocate or attorney at your own expense. If English is not your native language, or if you need additional supports because of disability, translators, interpreters or other support services, the services will be made available to you without charge in the appropriate language.

This form is for use to initiate the dispute resolution process required by the McKinney-Vento Homeless Assistance Act when the parent, guardian, or unaccompanied youth disagrees with the District’s eligibility, school selection, or enrollment decision.

District policy requires the parent, guardian, or unaccompanied youth to use the dispute resolution process set out in the attached information. Filling out this form is the first step in that process.

To file a formal dispute under the McKinney-Vento Homeless Assistance Act (“Act”), please fill out this form completely and submit it by hand-delivery, e-mail, or U.S. Mail to the principal or the District’s liaison for homeless students or the superintendent. Policy typically requires dispute forms to be filed within 15 District business days of receiving the written explanation of the District’s decision. However, because the Act’s dispute process should be expedited whenever possible, South Dakota Department of Education (SD DOE) recommends that you submit the form as soon as possible, preferably within ten District business days of receiving the written explanation of the District’s decision you are disputing. If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

If you need assistance filling out this form or if you have other questions, please contact the liaison for homeless students.

Principal

District Liaison for Homeless Students

Name: _____

Name: _____

Address/Location: _____

Address/Location: _____

Phone number: _____

Phone number: _____

E-mail: _____

E-mail: _____

The principal or liaison will forward this form to the administrator, typically the Superintendent or designee, who will conduct the dispute resolution conference. (district’s assigned person below)

Name: _____

Address: _____

Phone number: _____

E-mail address: _____

If you will be represented in presenting your dispute by someone other than the liaison for homeless students, please identify the person representing you.

Name: _____

Address: _____

Phone number: _____

E-mail address: _____

Please describe the McKinney-Vento eligibility, school selection, or enrollment decision that has prompted this dispute resolution process. Attach any documentation you have received from the school regarding this dispute.

What was the date you received written notice of the District's decision causing this dispute?

Please explain why you are dissatisfied with the eligibility, school selection, or enrollment decision.

Please describe the outcome you seek from this dispute and why you believe this outcome to be in the student's best interest. Please attach any documents and/or provide any information that you believe supports your desired outcome.

Student's or parent's signature: _____

Signature of student's or parent's representative: _____

Date that District personnel received this formal appeal: _____

Name and title of the District personnel receiving this formal appeal:

Attach to this form any documents that you believe will support the dispute resolution process; if unavailable when you submit this form, they may be presented no later than the dispute resolution conference. Please keep a copy of the completed form and any supporting documentation for your records.

The District's homeless liaison is available to assist the parent, guardian, or unaccompanied youth in completing and submitting this form.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in South Dakota and to obtain contact information for the liaison in your district, please contact:

South Dakota Department of Education
McKinney-Vento State Coordinator's Office
Office of Educational Services and Supports
800 Governor Drive
Pierre, SD 57501
605-773-5669 (main office)
605-773-3782 (fax)

End – Form to File Dispute

School District - Give this list of requirements to the parent, guardian or unaccompanied youth for reference of the rights.

School District Requirements under the Law

School District Requirements under the Law during the Dispute Process (provide a copy to parent, guardian or unaccompanied youth). When a dispute arises under the McKinney-Vento Act, the law requires the school district (LEA) to follow a set of minimum procedures. Following are excerpts from the law describing these procedures:

- The child or youth “shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.” [42 U.S.C. § 11432(g)(3)(E)(i)]
- “In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.” [42 U.S.C. § 11432(g)(3)(E)(iv)]
- Since enrollment includes “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)], while disputes are pending, students must be able to participate fully in school and receive all services to which they are entitled. This includes transportation services that are specified in the law.
- “The parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.” [42 U.S.C. § 11432(g)(3)(E)(ii)].
 - In addition, “if ... the local educational agency determines that it is not in the child’s or youth’s best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth,” the LEA must “provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E).” [42 U.S.C. § 11432(g)(3)(B)(iii)]
 - “In the case of an unaccompanied youth, the LEA must ensure that the local liaison ... “assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).” [42 U.S.C. § 11432(g)(3)(B)(iv)]
- “If a dispute arises over eligibility, or school selection or enrollment in a school...the parent, guardian, or unaccompanied youth shall be referred to the local educational

agency liaison ... who shall carry out the dispute resolution process ... as expeditiously as possible after receiving notice of such dispute.” [42 U.S.C. § 11432(g)(3)(E)(iii)]
Simply put, when a McKinney-Vento dispute occurs

1. the child or youth must be admitted to the school in which enrollment is sought pending final resolution of the dispute;
2. the parent, guardian, or unaccompanied youth must be provided written notice of the school’s, LEA’s, or SEA’s decision, which must include the reasons for its decision and the right to appeal; and
3. the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute process.

Every district in every State must follow McKinney-Vento’s dispute resolution procedures. The McKinney-Vento Act applies to every district in every State, regardless of whether the district receives McKinney-Vento funds. If dispute processes are not followed, or if a parent, guardian, or unaccompanied youth is not satisfied with the final resolution of a dispute at the State level, there is no further action available through SD DOE. The parent, guardian or unaccompanied youth may consult a private attorney about pursuing action in the courts against both the SD DOE and the school district.

5015 Protection of Pupil Rights

The Board of Education respects the rights of parents and their children, and has adopted this policy in consultation with parents to comply with the federal Protection of Pupil Rights Amendment (PPRA).

Survey Created by a Third Party. This section applies to every survey that is created by a person or entity other than a district staff member or student regardless of whether the student answering the questions can be identified and regardless of the subject matter of the questions.

Parents have the right to inspect any survey created by a third party before that survey is distributed to their student.

Surveys Requesting Particular Sensitive Information. Sensitive information shall include:

- Political affiliations or beliefs of the student or the student's parent(s);
- Mental or psychological problems of the student or the student's family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers; physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent(s); or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without prior written consent of the parent or eligible student.

No student shall be required to submit to a survey, analysis, or evaluation that requests sensitive information.

If a survey requesting sensitive information is funded, in whole or in part, by a program administered by the U.S. Department of Education, the school district must obtain the written consent of a student's parent(s) before the student participates in the survey.

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey (created by any person or entity, including the district) containing any sensitive information.

Parents have the right to inspect any survey which requests sensitive information before that survey is distributed to their student.

Survey Inspection Requests. School officials shall inform parents of their right to inspect surveys requesting sensitive information before the surveys are distributed to any student. All survey inspection requests must be in writing to the building principal and delivered to the building principal prior to the date on which the survey is scheduled to be administered to the students. The principal shall respond to survey inspection requests without delay.

Invasive Physical Examinations. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts; any act during such examination that includes incision, insertion, or injection into the body; and does not include a hearing, vision, or scoliosis screening.

Parents may refuse to allow their student to participate in any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

This policy does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification, is administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1400 *et seq.*), or is otherwise authorized by Board policy.

Collection of Personal Information from Students for Marketing. The term “personal information” means individually identifiable information including the student’s and parent(s)’ first and last name; home or other physical address; telephone number; and/or social security number.

No school official or staff member shall administer or distribute to students a survey or other instrument for the purpose of collecting personal information for marketing or for selling that information.

This policy does not apply to the collection, disclosure or use of personal information for the exclusive purpose of providing educational services to students, such as post-secondary education recruitment; military recruitment; tests and assessments to provide cognitive, evaluative, diagnostic or achievement information about students; and/or student recognition programs.

Inspection of Instructional Material. The term “instructional materials” means instructional content that is provided to a student regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet).

The term does not include academic tests or academic assessments. Parents may inspect, upon their request, any instructional material used as part of their child’s education curriculum. Curriculum inspection requests must be made to the building principal in writing. Building principals shall respond to inspection requests within a reasonable amount of time.

Notification of Rights and Procedures. The superintendent shall notify parents of:

- this policy and its availability upon request from the office of the district;
- how to opt their child out of participation in activities as provided for in this policy;
- the approximate dates during the school year when a survey requesting personal information is scheduled or expected to be scheduled; and
- how to request access to any survey or other material described in this policy.

- This notification shall be given to parents as least annually, at the beginning of the school year and within a reasonable period after any substantive change in this policy.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5016 Student Records

The school district shall manage student records and reports as is necessary for effective administration and in compliance with law. In general "student records" shall not include transitory communications such as e-mail, text messages, handwritten communication between school and home, and the like, and these items will not generally be maintained by the district. "Student records" also shall not include any records created and maintained by the district's law enforcement unit for a law enforcement purpose.

For purposes of the district's compliance with state and federal law, the district "maintains" student records which are printed and kept in the student's physical file or which school district staff have intentionally saved within the official school district digital student information system that specifically identifies the student for whom those records are maintained. The school district may also use learning management systems, which deliver and manage instructional content. The school district maintains student records within its student information system but not in its learning management system. The official school district student information system is Infinite Campus.

Students or their parents, guardians, teachers, counselors, or school administrators shall have access to the school's files or records maintained concerning themselves or their students. For purposes of this policy, "teachers" include paraeducators and volunteers who are providing educational services to a student on behalf of the School District. A school official may access, maintain, and use education records containing personally identifiable information (PII) when he or she has a legitimate educational interest in such. "School official" includes any agent, volunteer, or contractor performing an institutional service or function for which the school would otherwise use its own employees and who is under the school district's direct control with respect to their access to, maintenance of, and use of PII from student records. For example, a school official may include, but would not be limited to, a teacher or other educator, administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); school board member; volunteer; contractor or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, representative of the district's insurance providers, auditor, medical consultant, therapist, or a third-party website operator who has contracted with the school district or its agent to offer online programs for the benefit of

students and/or the district; members of law enforcement acting on behalf of the school district; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a "legitimate educational interest" if the official needs to review an education record in order to fulfill a school-related professional, contractual, statutory, or regulatory responsibility.

All disciplinary material shall be removed and destroyed upon the pupil's graduation or after the pupil's continuous absence from the school for a period of three years. Upon request, the school district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

Outside agencies such as physicians, probation officers, psychologists, child guidance clinics, and other agencies concerned with child welfare who are working directly with a child may have access to information pertaining to that child with written parental consent or upon issuance of a valid court order.

Each year, the school district will notify parents and guardians of their rights under this policy and the Family Educational Rights and Privacy Act.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5017 Routine Directory Information

The school district shall disclose the following as routine directory information pertaining to any past, present or future student who is, has been, or will be regularly enrolled in the district.

- Name and grade
- Name of parent and/or guardian
- Address
- Telephone number, including the student's cell phone number
- E-mail address
- Date and place of birth
- Dates of attendance
- The image or likeness of students in pictures, videotape, film or other medium
- Major field of study
- Participation in activities and sports
- Degrees and awards received
- Social media usernames or handles
- Weight and height of members of athletic teams
- Most recent previous school attended
- Certain class work which may be published onto the Internet
- Classroom assignment and/or home room teacher
- Student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only the authorized user.

Directory information does not include a student's social security number.

Upon request, the district will provide military recruiters and institutions of higher education with the names, addresses, and telephone numbers of high school students unless a student's parents have notified the district in writing that they do not want this information disclosed without their prior written consent. Military recruiters will be granted the same access to a student in a high school grade as is provided to postsecondary educational institutions or to prospective employers of such students.

Within 30 days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within 30 days following such enrollment, the district will notify parents and guardians each year of their rights under this policy and the Family Educational Rights and Privacy Act. Parents will be given an opportunity to prevent the release of this directory information by filing a written objection with the district.

When a student reaches 18 years of age, the permission or consent required of and the rights accorded to the parents or guardians of such student under this policy shall only be required of and accorded to such student. Within 30 days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within 30 days following such enrollment, each school district shall notify each student who is at least 18 years of age or who will reach 18 years of age during such school year of (1) the option to make a written request to the school district that routine directory information for such student not be released in response to a request made by a military recruiter without such student's written consent and (2) that any such request made previously by a parent or guardian for such student expires upon the student reaching 18 years of age.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5018

Parent and Guardian Involvement In Education Practices

The school district recognizes the importance of parental and guardian involvement in the education of their children. The school district will take the following steps to ensure that the rights of parents and guardians to participate in the education of their children are preserved.

Parental Access to Curricular Materials

Parents/Guardians will be provided reasonable access to district-approved textbooks and other curricular materials and tests used in the district upon request. A parental request to review specific approved textbooks and other district- or building-approved curricular materials (written, visual, and audio) should be made to the principal of the building where the textbooks and curriculum materials are used. Parents may check out textbooks and may review curricular materials such as video and audio recordings within a time frame determined by the building principal to prevent disruption of the instructional process.

Parental Access to Tests

A parental request to review specific standardized and criterion- referenced tests used in the district should be made in writing to the building principal. Copies of the most recent tests used in the district will be available for parent review. The parent shall be provided with access to the assessment in a secured environment no later than forty-five days after the request is received.

Attendance of Classes and Other Activities

Parents/Guardians will be permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities. Parents/guardians are invited to make appointments with the building principal to visit classes, assemblies and other instructional activities. The principal shall give permission after determining that parental/guardian observation would not disrupt the activity. Observations that last more than 60 minutes or occur on consecutive days are typically disruptive and will not be permitted absent unusual circumstances, in the sole discretion of the building principal. Parents/guardians may contact the building principal to request permission to attend counseling sessions in which their child is involved.

Excusal from School Experiences

Parents/guardians will be permitted, within district procedures, to ask that their children be excused from school experiences that parents find objectionable. Building principals may excuse a student from any single school experience at the parent's written request. When appropriate, alternative experiences will be provided for the student by the school.

Notices to Parents

Parents/guardians will be informed through the student handbook and district policies of the manner that the district will provide access to records of students. Parents/guardians will be informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.

Parents/guardians will be informed of the circumstances under which they may opt-out of state and federal assessments. In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents/guardians of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

State and National Assessments

The District cannot approve requests to opt out of state assessments. South Dakota law does not provide an avenue for such requests

National Assessment of Educational Progress

As a condition of receiving federal funds, the District participates in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. However, student participation in NAEP is voluntary.

The District shall provide parents/guardians of eligible students with reasonable notice prior to the exam being administered. Parents/guardians wishing to opt their students out of the NAEP assessment must notify the district in writing at least three days prior to the exam date to ensure that the

District can coordinate supervision and alternative activities for students who have opted out.

Removal from Surveys

Parents/guardians will be notified of their right to remove their children from surveys prior to district participation in surveys. The principal must approve all surveys intended to gather information from students before they are administered to students. Students' participation in surveys is voluntary. Parents/guardians may restrict their child from participating in any survey.

Adopted on: July 10th, 2023

Revised on: August 14th, 2023

Reviewed on: _____

5019
Communicating with Parents

The school district will make reasonable efforts to keep parents informed of student progress, grades, and attendance through report cards, progress reports, and parent/teacher conferences. The school district will notify parents if their students are failing or close to failing, either through communication from the school or through parental access to the district's student information system. The school district will endeavor to notify parents of failing students prior to entry of the failing grade on the student's report card. Parents will also be notified of their student's possible failure to meet graduation requirements. Other pertinent information will be communicated to parents by mail, electronic communication, telephone calls, by personal contact or other appropriate method. Official transcripts of student progress, grades, and attendance will be sent to other school systems upon the student's transfer when the district receives a written request signed by the student's parent or guardian or upon being notified that the student has enrolled in another school. By providing the school district with their telephone number(s), parents agree to receive notifications from the school district's automatic notification system.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5020
Rights of Custodial and Non-Custodial Parents

The school district will honor the parental rights of natural and adoptive parents unless those rights have been altered by a court.

The term “custodial parent” refers to a biological or adoptive parent to whom a court has given primary physical and legal custody of a child, and a person such as a caseworker or foster parent to whom a court has given legal custody of a child.

The district will not restrict the access of custodial and non-custodial parents to their students and their students’ records, unless the district has been provided a copy of a court order that unambiguously prohibits access to the records or child by either parent. If the district is provided such a court order, school officials will follow the directives set forth in the order.

The district will provide the custodial parent with routine information about his or her child, including notification of conferences. The district will not provide the non-custodial parent with such information on a routine basis, but will provide it upon the non-custodial parent’s request unless it has been denied by the courts.

A non-custodial parent who wishes to attend conferences regarding his or her child will be provided information about conference times so both parents may attend a single conference. The district is not required to schedule separate conferences if both parents have been previously informed of scheduled conference times.

If either or both parents’ behavior is disruptive, staff members may terminate a conference and reschedule it with appropriate modifications or expectations.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5022

Investigations, Arrests, and Other Student Contact by Law Enforcement and Department of Human Services

The school district and its administrators and staff desire to maintain a positive working relationship with law enforcement officers and other representatives of governmental bodies in the discharge of their duties. However, this desire must be balanced against other equally important factors such as a student's legal rights, ensuring that a student's time spent in school is for education, and acknowledging that the school stands *in loco parentis* to the students.

"Law enforcement officer" means police officers, county sheriffs, state patrolmen, Child Protective Services workers, juvenile services workers, probation officers, U.S. Immigration and Customs Enforcement (ICE) agents, Federal Bureau of Investigations agents, or any other government investigatory workers.

"Parent" means the biological or adoptive mother or father, guardian, responsible relative, or any other person who has claimed legal or actual charge or control of the student pursuant to South Dakota law.

Law enforcement officers are encouraged whenever possible to talk to a student away from the school before or after school hours so as to cause as little disruption as possible to the student's education.

Law enforcement officers may be called to the school at the request of school administration, or they may initiate contact with the school for their own purposes. Contact between the school and law enforcement officers on matters involving students shall be made through the office of the superintendent or building principal and the law enforcement officer. All reasonable attempts should be made to avoid embarrassing the student before his or her teachers and peers, and to avoid disrupting the student's and school's education program. Any questioning by law enforcement officers that is permitted should be conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other pupils and school personnel.

School staff shall promptly notify the superintendent when a student is questioned, arrested, or removed from school grounds by law enforcement officers.

School Related Criminal Activity

This section applies to alleged or suspected criminal activity that occurs on school grounds; in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee; or at a school-sponsored activity or athletic event.

Law enforcement officers will be allowed to contact and question students at school regarding school related criminal activity as provided below.

The building principal must be notified before a student may be questioned in school or taken from a classroom by law enforcement. The building principal should request identification of the officers, their affiliation with the identified law enforcement agency, and whether their purpose is to interview, interrogate, or take custody of the student.

The building principal will make reasonable attempts to contact a student's parent for their consent and/or presence before the student is interviewed. In the event that a parent cannot be contacted after reasonable attempts, the student will be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee shall be present for such questioning solely to further school purposes or avoid duplication of the investigative process. The student will be brought to a private room and the contact will be made out of sight of others as much as practicable.

If the student is suspected of criminal activity, it is the responsibility of the law enforcement officer to advise a student of his or her rights against self-incrimination.

The building principal shall document steps taken to notify parents, summarize the law enforcement activities, identify the actions taken by the District on behalf of the student, and any further contacts with law enforcement officer.

Non-School Related Criminal Activity

Law enforcement officials may not question students at school unless parental consent is obtained or the law enforcement authorities have a warrant or court order.

Taking a Student into Custody

Law enforcement officers seeking custody of a student must contact the superintendent or building principal. The principal will request the arresting law enforcement officer to provide a copy of the arrest warrant, written parental consent, court order, or other document giving authority to take the student into legal custody. If there is no document presented, the principal should obtain the officer's name, badge number identifying the law enforcement agency, date, time, the reason for the arrest, and the place to which the student is reportedly being taken. Whenever practicable, the arrest or release of the student should be conducted in a location and in a manner that minimizes observation by others.

When a law enforcement officer removes a student from the school, the building principal will take immediate steps to notify the parent about the student's removal and the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse.

Child Abuse and Neglect

When law enforcement officers seek to investigate reports of alleged child neglect or abuse regarding a student, the building principal shall obtain a proper identification from the authorities or officials. If a student interview is conducted on school grounds, the building principal or designee and such other school personnel as appropriate shall observe the interview.

If the law enforcement officer decides to remove the student from school, school officials shall provide the law enforcement authorities with the address and telephone number of the student's parent or guardian. The principal or other school official shall, as a condition of releasing the student to the law enforcement officer, require the officer to sign a statement certifying that the child is being removed from school premises because he or she is believed to be the victim of child abuse and that the officer understands and will comply with the legal requirements of state law.

Student Records

Student records will be shared with law enforcement officers only as allowed by state and federal law.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5023 Student Illness

Students who suffer from a significant illness or impairment which has an actual or expected duration of six months or more, including episodic impairments, may be eligible for accommodations and supports under Section 504 of the Rehabilitation Act or under the Individuals with Disabilities in Education Act. The school will provide accommodations to students who are returning to school after a prolonged absence due to illness, including pediatric cancer, through a 504 plan or an IEP, as appropriate. The student's plan will include informal or formal accommodations, modifications of curriculum and monitoring by medical or academic staff as determined by the student's IEP team or 504 committee. Parents and staff will engage in ongoing communication about the needs of a student who is facing these circumstances.

Students who become ill at school will be sent to the building office where the school nurse or other school employee will determine the appropriate response. When a child is too ill to remain at school, a school employee will contact the child's parent(s) and make arrangements for the child to be picked up or sent home. If an illness or injury requires immediate medical attention, school officials shall attempt to contact the child's parent(s) regarding treatment for the child. If the parents cannot be contacted, school officials may have the child treated by an available physician. Students who may be a risk to the health of other students or school employees due to the presence of communicable or infectious disease, parasite, etc., may be sent home, and the district may require a physician's statement before allowing such students to return to school.

Parents must complete an emergency information card for each child enrolled in the district. The card should list the family physician's name, where parents or a responsible adult can be located, and any necessary emergency instructions.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5023.1
Emergency Medical Treatment

If a child becomes ill or is injured while at school or while being supervised by a member of the school district's staff, the staff member shall take reasonable steps to render assistance and, when appropriate, summon medical assistance. Staff will notify a student's parent or guardian when a student needs medical attention.

The school district is not qualified under law to comply with directives to physicians limiting medical treatment and will not accept such directives. School district staff members will not honor "do not resuscitate/do not intubate" (DNR/DNI) orders, requests for transport to particular medical facilities, and any similar requests. Parents/Guardians must arrange for all such requests with rescue squad and medical providers directly.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5023.2
Emergency Response to Life Threatening
Systemic Allergic Reactions (ANAPHYLAXIS)

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

Designated district personnel may administer an epi-pen to a student in accordance with the student's prescription on file or if the student is experiencing anaphylaxis in accordance with a standing protocol from an authorized health care provider.

"Designated district personnel" includes any district nurse and any district employee trained by a licensed healthcare professional:

1. To recognize the symptoms of a severe allergy or anaphylactic reaction;
2. To know the procedure for the administration of an epinephrine auto-injector;
3. To know the procedure for storage of an epinephrine auto-injector; and
4. To know the emergency care and aftercare for a student who has an allergic or anaphylactic reaction.

Immunity from Liability. Any district personnel who administers or makes available an epi-pen injection will not be liable for such action in accordance with South Dakota law.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5023.3
Lice and Nits

Upon discovering the presence of live lice or louse eggs, the school will notify the student's parent(s) or guardian(s). The student will be isolated from contact with other students and their belongings, and a parent or guardian must pick the child up from school immediately.

Students will not be permitted to return to school until the student is treated such that no live lice or louse eggs can be detected. The parent(s) or guardian(s) will be required to treat the student and accompany the student to school to be examined.

The student cannot ride the school bus until the district has cleared the student to return to school.

Adopted on: July 10th, 2023

Revised on: August 14th, 2023

Reviewed on: _____

5024
Medication of Students

Whenever possible, parents should arrange medication schedules to eliminate the need for giving medication during school hours.

Prescription medication. Parents/guardians must provide a physician's written authorization for the administration of the medication. Parents/guardians must provide their own written permission for the administration of the medication. The medication must be brought to school in the prescription container and must be properly labeled with the student's name, the physician's name, and directions for administering the medication.

Non-prescription medication. Parents/guardians must provide written permission for the administration of the medication. The medication must be brought to the school in the manufacturer's container. The container must be labeled with the child's name and with directions for provision or administration of the medication.

The district reserves the right to review and decline requests to administer or provide medications that are not consistent with standard pharmacological references, are prescribed in doses that exceed those recommended in standard pharmacological references, or that could be taken in a manner that would eliminate the need for giving them during school hours. The district may request parental authorization to consult with the student's physician regarding any medication prescribed by such physician.

Prohibition on Self-Administration. Students may not self-administer medication.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5024.1

Self-Management of Asthma and Anaphylaxis

Commented [1]: Remember Form

Any student with asthma or anaphylaxis may possess and self-administer a prescribed inhaled bronchodilator or auto-injectable epinephrine ("medication") consistent with this policy, the student's prescription as indicated by the prescription label on the medication, and any written instructions from the student's physician or other licensed health care provider.

In order to self-manage the student's condition pursuant to this policy, the parent of a student with asthma or anaphylaxis must provide to the district:

- A written statement signed by the parent that:
 - Authorizes the student to self-administer the medication while on school property or at a school-related event or activity.
 - Releases the district and its employees and agents from liability for any injury arising from the student's self-administration of prescription medication while on school property or at a school-related event or activity, except in cases of wanton or willful misconduct.
- A written statement signed by the student's prescribing physician or other licensed health care provider that states that:
 - The student has asthma or anaphylaxis, or both, and is capable of self-administering the medication;
 - The name and purpose of the medication;
 - The prescribed dosage for the medication;
 - When the medication may be administered; *and*
 - The period for which the medication is prescribed.

The district may impose disciplinary consequences on a student who uses his or her medication other than as prescribed. These disciplinary consequences shall not include limitations on the student's access to necessary medication.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5024.2
Self-Management of Diabetes

Any student with diabetes may possess and self-administer treatment for diabetes consistent with this policy, the student's prescription as indicated by the prescription label on the medication, and any written instructions from the student's physician or other licensed health care provider.

Prior to any self-administration under this policy, a student and his/her parent/guardian must complete the District's Diabetes Medical Management Plan.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5025
Student Insurance

The school district is not an insurer of student safety, and parents are encouraged to secure insurance covering their students' healthcare needs, including catastrophic coverage for injuries which may be sustained while participating in athletics or other extracurricular activities. The school district may disseminate information about insurance plans available for purchase by parents for their students from third party vendors.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5031
Student Appearance

Any manner of dress, hair style, make up, cleanliness, or personal appearance that constitutes a threat to the safety, health, welfare, or morals of the student or others; violates any statute; interferes with the education process, or school officials can reasonably predict will interfere with the education process; or causes or may cause excessive maintenance problems in the school, may be grounds for corrective or disciplinary action. The superintendent or designee may institute specific dress code regulations in any school consistent with board policy.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5032
Closed Campus

The school campus is a closed campus. All students shall remain on the school campus during the hours that school is in session unless released by the building principal or building principal's designee. The building principal or designee will release a student only upon confirming that the student has permission from a parent or an authorized adult. Nothing in this policy shall prevent the school from sending a student home when the student is ill.

Juniors and Seniors may be allowed to leave campus during lunch but may not use their cars during this time. Poor attendance, behavior, or academic performance may result in a revocation of this privilege.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5033
Student Driving and Parking

Students who drive to school are required to park their vehicles and leave them unoccupied until it is time to drive home. The speed limit on school property is 5 miles per hour. Students may not drive or have access to their vehicles during the school day without the express permission of their building principal or the superintendent of schools.

Students are to park appropriately and in the assigned areas on school property. Student parking shall not be permitted in bus loading zones. When the buses are loading or unloading, all vehicles must stop and wait for the loading or unloading process to be completed.

By driving a vehicle to school and parking on school grounds, students consent to having that vehicle searched by school officials if school officials have reasonable suspicion that such a search will reveal a violation of school rules.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5034
Handbooks

The student handbook is an extension of these policies and has the force and effect of board policy when approved by the board of education.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5035 Student Discipline

Superintendents, principals, supervisors, and teachers have disciplinary authority over all students while the students are in school or participating in or attending school sponsored activities whether on or off school premises. Superintendents and principals may also discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.

Authority to Discipline

The board may discipline, suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student as provided by law and this policy.

Weapons and/or Firearms

Students may be disciplined for the possession of weapons and/or firearms pursuant to the board's separate policy on weapons and firearms or state or federal law.

Short-Term Suspension

The Principal or Superintendent may exclude students from school or any school function for a period of up to and including ten school days (short-term suspension) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to short-term suspension:

- The Principal or Superintendent shall give oral or written notice to the student as soon as possible after discovery of the alleged violation, stating the facts that form the basis for the suspension.
- The student shall be given the opportunity to respond to the alleged violation.
- If a student is suspended, the principal or superintendent shall give the parent or guardian oral notice of the suspension, if possible. This notice shall be provided directly to the student if the student is 18 years of age or older or an emancipated minor.
- If a student is suspended, the principal or superintendent shall send the parent or guardian a written notice which provides information regarding

the student's due process rights. This notice shall be provided directly to the student if the student is 18 years of age or older or an emancipated minor.

- The student may be removed from the school's premises following either the written or oral notice, described above, or if the student's presence poses a continuing threat or danger, in which case the student may be immediately removed from the school and transferred into the custody of a parent or law enforcement.
- Students who are short-term suspended will be given the opportunity to complete classwork.

Long-Term Suspension

Students may be excluded by the superintendent or school board from school or any school function for a period of more than 10 school days up to and including 90 school days (long-term suspension) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to long-term suspension:

- The student may be temporarily suspended at the discretion of the Superintendent if the Superintendent finds grounds for a long-term suspension from a class or classes. This suspension shall follow the procedures set forth above for short-term suspensions.
- The superintendent shall file a sealed, written report with the school board by the end of the fifth school day following the first day of the long-term suspension. The report shall include the facts of the situation, the action taken, the reasons for the action, and the superintendent's decision or recommendation. The report must remain in the possession of the school board secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing.
- The superintendent shall send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.
- The superintendent shall also send written notice to the student's parent or to a student who is 18 years of age or older or an emancipated minor of:
 - the rule, regulation, or policy allegedly violated;
 - the reason for the disciplinary proceedings;
 - notice of the right to request a hearing or waive the right to a hearing;

- a description of the hearing procedure;
- a statement that the student's records are available at the school for examination by the student's parent or authorized representative;
- a statement that the student may present witnesses.
- The student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent.
- If a hearing is requested, the superintendent shall give notice to each school board member of an appeal to the board for a hearing. The superintendent shall set the date, time, and place for the hearing and send notice by first class mail to each school board member and by certified mail, return receipt requested, to the student's parent or to a student who is 18 years of age or older or an emancipated minor.
- If no hearing is requested or the hearing is waived, the action of the superintendent is final.

Hearing Procedure - Long-Term Suspension

The following process applies to any hearing requested and scheduled in relation to a long-term suspension:

- The board shall act as the hearing board and shall conduct the hearing.
- The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer.
- Each party shall be provided the opportunity to make an opening statement.
- Each party shall be provided the opportunity to introduce evidence, present witnesses, and examine and cross-examine witnesses.
- Each party shall be provided the opportunity to be represented by an attorney.
- The school administration shall present its case first.
- The hearing shall be closed to the public. A verbatim record of the hearing will be made and will be sealed pending court order.
- Witnesses shall be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president or business manager.
- Each party may raise objections as to relevancy and scope of the question.
- All relevant evidence shall be admitted, except that unproductive or repetitious evidence may be limited by the hearing officer.
- The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses.
- Each party shall be provided the opportunity to make a closing statement.

- After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation, except that the school board may seek advice during deliberation from an attorney. Consultation with any other person during deliberation may occur only if a representative of the pupil is present.
- The decision of the school board shall be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the pupil and must state the reason for the board's action. The school board shall notify the pupil or the pupil's parents in writing of the decision. The notice must state the length of the suspension or expulsion.
- The student may appeal an adverse decision by the school board to the circuit court.

Expulsion

Students may be excluded by the school board from school or any school function for a period of not more than 12 consecutive months (expulsion) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to expulsion:

- The student may be temporarily suspended at the discretion of the Superintendent if the Superintendent finds grounds for expulsion from a class or classes. This suspension shall follow the procedures set forth above for short-term suspensions.
- The superintendent shall file a sealed, written report with the school board by the end of the fifth school day following the first day of the student's exclusion from one or more classes and request that a hearing be held before the school board. The report shall include the facts of the situation, the action taken, the reasons for the action, and the superintendent's decision or recommendation. The report must remain in the possession of the school board secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing.
- The superintendent shall send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.
- The superintendent shall send written notice to the student's parent or to a student who is 18 years of age or older or an emancipated minor of:

- the rule, regulation or policy allegedly violated;
- the reason for the disciplinary proceedings;
- notice of the right to request a hearing or waive the right to a hearing;
- a description of the hearing procedure;
- a statement that the student's records are available at the school for examination by the student's parent or authorized representative;
- a statement that the student may present witnesses;
- a statement that the student may be represented by an attorney.
- The superintendent shall set the date, time, and place for the school board hearing. The superintendent shall send notice of the hearing to each school board member by first class mail and to the student's parent or to a student who is 18 years of age or older or an emancipated minor by certified mail, return receipt requested. If the superintendent recommends expulsion, the school board must act on the recommendation before it is implemented.
- The student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent.
- If the hearing is not waived, the hearing shall be held on the date and at the time and place set in the hearing notice unless a different date, time, and place are agreed to by the parties.
- If the hearing is waived in writing, the school board may consider the matter at a regular or special meeting without further notice to the student or the student's parents

Hearing Procedure - Expulsion

The following process applies to any hearing requested and scheduled in relation to an expulsion:

- The board shall act as the hearing board and shall conduct the hearing;
- The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;
- Each party shall be provided the opportunity to make an opening statement;
- Each party shall be provided the opportunity introduce evidence, present witnesses, and examine and cross-examine witnesses;
- Each party shall be provided the opportunity to be represented by an attorney;
- The school administration shall present its case first;
- The hearing shall be closed to the public. The school 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;

- Witnesses shall be present only when testifying. 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;
- Each party may raise any legal objection to evidence;
- All relevant evidence shall be admitted, except that unproductive or repetitious evidence may be limited by the hearing officer;
- The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
- Each party shall be provided the opportunity to make a closing statement;
- After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation, except that the school 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 the pupil is present; and
- 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 motion shall omit the name of the student and shall state the reason for the board's action. The school board shall notify the student's parent or parents or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the expulsion.
- The student may appeal an adverse decision by the school board to the circuit court.

Early Reinstatement

The board may act to grant the student an early reinstatement allowing the student to return to school before the end of the period of expulsion. Such reinstatement may be granted subject to conditions as the board deems appropriate. The superintendent may determine that a student has met or violated the conditions. The superintendent may revoke the conditional reinstatement opportunity provided by the board by following the process laid out in state law.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5035.1 Firearms and Weapons

Weapons. No student may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. No visitor under the age of 18 may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy.

Definition of Weapon. The term "weapon" means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

Firearms. No person may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy.

Definition of Firearm. The term "firearm," as defined in 18 U.S.C. 921, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms. The prohibition against firearms does not apply to:

- Firearms lawfully possessed by a law enforcement official or school sentinel;
- Firearms that may lawfully be possessed by a person who is receiving training at the school under the immediate supervision of an adult instructor;
- The use of a starting gun at an athletic event;
- The lawful possession of a firearm at a gun show authorized by the board to be held on school premises;
- Unloaded firearms which may lawfully be possessed by a person for the purpose of using them as part of a color guard ceremony.

Consequences - Firearm. Any student who brings a firearm, as that term is defined in 18 United States Code 921, to school will be expelled from school for one calendar year. The superintendent of schools and the board of education shall have the authority to modify the expulsion requirement on a case-by-case basis.

Confiscation of Firearms. Administrative and teaching personnel are statutorily authorized, without a warrant, to confiscate any firearm possessed in violation of this policy. By statute, any firearm that is confiscated by school personnel shall be delivered to a peace officer as soon as practicable. Such firearms are subject to being destroyed by law enforcement authorities.

Report to Law Enforcement Authorities. All school personnel are required to report any violation of this policy to a principal or the superintendent of schools. Pursuant to state and federal law, school personnel are required to report to law enforcement authorities when a student brings a firearm or weapon to school.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

**5036
Lockers**

Lockers are the property of the school district and students are permitted to use them without charge. The assignment of a locker is on a temporary basis and may be revoked at any time. School officials may inspect student lockers without any particularized suspicion or reasonable cause.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5037 Student Internet and Computer Access

Students are expected to use computers and the Internet as an educational resource. The following procedures and guidelines govern the use of computers and the Internet at school.

Student Expectations in the Use of the Internet

Acceptable Use

- Students may use the Internet to conduct research assigned by teachers.
- Students may use the Internet to conduct research for classroom projects.
- Students may use the Internet to gain access to information about current events.
- Students may use the Internet to conduct research for school-related activities.
- Students may use the Internet for appropriate educational purposes.

Unacceptable Use

- Students shall not use school computers to gain access to material that is obscene, pornographic, harmful to minors, or otherwise inappropriate for educational uses.
- Students shall not engage in any illegal or inappropriate activities on school computers, including the downloading and copying of copyrighted material.
- Students shall not use e-mail, social media, instant messaging, or other forms of direct electronic communications on school computers for any unauthorized or unlawful purpose or in violation of any school policy or directive.
- Students shall not use school computers to participate in on-line auctions, on-line gaming or mp3/mp4 sharing systems.
- Students shall not disclose personal information, such as their names, school, addresses, or telephone numbers outside the school network.
- Students shall not use school computers for commercial advertising or political advocacy of any kind without the express written permission of the system administrator.

- Students shall not publish web pages that purport to represent the school district or the work of students at the school district without the express written permission of the system administrator.
- Students shall not erase, rename or make unusable anyone else's computer files, programs or disks.
- Students shall not share their passwords with fellow students, school volunteers or any other individuals, and shall not use, or try to discover, another user's password.
- Students shall not copy, change or transfer any software or documentation provided by the school district, teachers or another student without permission from the system administrator.
- Students shall not write, produce, generate, copy, propagate or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called, but is not limited to, a bug, virus, worm, or Trojan Horse.
- Students shall not configure or troubleshoot computers, networks, printers or other associated equipment, except as directed by a teacher or the system administrator.
- Students shall not take home technology equipment (hardware or software) without permission of the system administrator.
- Students shall not forge electronic mail messages or web pages.

Enforcement

Methods of Enforcement

- The district monitors all Internet communications, Internet usage and patterns of Internet usage. Students have no right of privacy to any Internet communications or other electronic files. The computer system is owned by the school district. As with any school property, any electronic files on the system are subject to search and inspection at any time.
- The school district uses a technology protection measure that blocks access to some Internet sites that are not in accordance with the policy of the school district. Standard use of the Internet utilizes a proxy server-based filter that screens for non-curriculum related pages.
- Due to the nature of filtering technology, the filter may at times filter

pages that are appropriate for student research. The system administrator may override the technology protection measure for the student to access a site with legitimate educational value that is wrongly blocked.

- The school district staff will monitor students' use of the Internet through direct supervision and by monitoring Internet use history to ensure enforcement of the policy.

Consequences for Violation of this Policy

Access to the school's computer system and to the Internet is a privilege, not a right. Any violation of school policy and rules may result in:

- Loss of computer privileges;
- Short-term suspension;
- Long-term suspension or expulsion in accordance with the South Dakota Student Discipline Law; and
- Other discipline as school administration and the school board deem appropriate.

Students who use school computer systems without permission and for non-school purposes may be guilty of a criminal violation and will be prosecuted.

Children's Online Privacy Protection Act (COPPA)

The school will not allow companies to collect personal information from children under 13 for commercial purposes. The school will make reasonable efforts to disable advertising in educational computer applications. This policy allows the school to act as an agent for parents in the collection of information within the school context. The school's use of student information is solely for education purposes.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5039
Fundraising Activities

All fundraising activities shall require authorization by an administrator.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5041
Student Council

Students are encouraged to formulate and participate in elective and representative student government activities. The organization, operation and scope of the student government shall be administered by the superintendent or designee.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5042
Bulletin Boards

Bulletin boards and other electronic publishing spaces of the district may be provided for the use of students and student organizations for purposes of notifications related to student activities and student groups. The following general limitations apply to all posting or publishing:

1. All postings must be approved by the appropriate building principal or designee. Students may not post any material containing any statement or expression that is libelous, obscene, or vulgar; that would violate board of education policies, including the student code of conduct; or that is otherwise inappropriate for the school environment.
2. All postings must identify the student or the student organization posting or publishing the notice.
3. Published material may be removed after a reasonable time.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5043
School-Sponsored Publications

School-sponsored student publications and electronic media productions are part of the school district's instructional program. The board of education supports the development of student communication skills through school-sponsored newspapers, annuals, magazines, and electronic media including computer, video and digital productions.

Student publications and productions must conform to all good scholastic and professional journalistic standards. The board delegates to the superintendent of schools the right to prohibit dissemination of any school-sponsored publication or media production that does not conform to these standards, or which the superintendent or designee deems inappropriate for the school environment.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

**5045
Student Fees**

Fees assessed to students may include, but are not limited to, those related to overdue materials, misused or damaged school property, or materials needed for curricular or extracurricular courses or activities unless prohibited by law.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5052 School Wellness Policy

The school district is committed to providing a school environment that enhances learning and the development of lifelong wellness. The goals outlined in this policy were determined and selected after reviewing and considering evidence-based strategies.¹

Goals for Nutrition Promotion and Education

- The district will promote healthy food and beverage choices for all students, as well as encourage participation in school meal programs by such methods as implementing evidence-based healthy food promotion techniques through the school meal programs and promoting foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.
- The health curriculum will include information on good nutrition and healthy living habits. Teachers will incorporate information on nutrition and wellness into the classroom curriculum as appropriate.
- The district will collaborate with public and private entities to promote student wellness.
- Water will be made available to students throughout the school day.

Goals for Physical Activity

- The school district's curriculums shall include instruction on physical activity and habits for healthy living.
- Students will be encouraged to engage in physical activities throughout the school day and will be provided with opportunities to do so.
- The district encourages parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

¹ These strategies include, but are not necessarily limited to, those cited in the Alliance for a Healthier Generation's Model Wellness Policy (Updated 9/2016 to Reflect the USDA Final Rule) found at https://www.healthiergeneration.org/asset/wtqdwu/14-6372_ModelWellnessPolicy.doc.

Goals for Other School-Based Activities Designed to Promote Student Wellness

- The district will participate in state and federal child nutrition programs as appropriate.
- The district will provide professional development, support, and resources for staff about student wellness.
- Students will be provided sufficient time in which to eat school-provided meals.
- The district's lunchrooms will be attractive and well-lighted.
- The district will allow other health-related entities to use school facilities for activities such as health clinics and screenings so long as the activities meet the district's requirements and criteria for the use of facilities.
- The district may partner with other individuals or entities in the community to support the implementation of this policy.
- The district will strive to provide physical activity breaks for all students, recess for elementary students, and before and after school activities, as well as encourage students to use active transport (walking, biking, etc.)
- The district will use evidence-based strategies to develop, structure, and support student wellness.

Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

- The district will ensure that student access to foods and beverages meet federal, state and local laws and guidelines including, but not limited to:
 - USDA National School Lunch and School Breakfast nutrition standards
 - USDA Smart Snacks in School nutrition standards.

- The district will offer students a variety of age-appropriate, healthy food and beverage selections with plenty of fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements in order to promote student health and reduce childhood obesity.

Standards for All Foods and Beverages Provided, But Not Sold to Students During the School Day

The district may provide a list of healthy party ideas or food and beverage alternatives to parents, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The district discourages the use of food and beverages as a reward or incentive for performance or behavior.

Food and Beverage Marketing

Marketing and advertising is only allowed on school grounds or at school activities for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards, except as follows:

- This requirement does not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events.
- The district will not immediately replace menu boards, coolers, tray liners, beverage cups, and other food service equipment with depictions of noncompliant products or logos to comply with the new USDA Smart Snacks in Schools nutrition requirements. All previously purchased products will be used, and all existing contracts honored.
- All equipment that currently displays noncompliant marketing materials will not be removed or replaced (e.g., a score board with a Coca-Cola logo). However, as the district reviews and considers new contracts, and as scoreboards or other such durable equipment are replaced or updated over time, any products that are marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards

Public Participation

Parents, students, representatives of the school food authority, teachers, school health professionals, board members, school administrators, and members of the general public shall be allowed to provide their input to the school district during the wellness policy adoption and review process.

Competitive Foods (Includes Food and Beverages Sold in Vending Machines, School Stores, Fundraisers or in Competition with the National School Lunch and Breakfast Programs)

- Except as otherwise allowed by the South Dakota Department of Education, all foods and beverages sold during the school day as part of a fundraiser or for any other purpose in competition with the National School Lunch and Breakfast Programs must meet the nutrition standards of those programs.
- Fundraiser food or beverages are NOT exempt from the USDA Smart Snacks in School nutrition standards. Therefore, if food is sold as a fundraiser:
 - It shall not be sold in competition with school meals in the food service area during the meal service.
 - It shall not be sold or otherwise made available to students anywhere on school premises during the period beginning one half hour prior to the serving period for breakfast and/or lunch and lasting until one half hour after the serving of breakfast and/or lunch.
 - The sale of food items during the school day shall meet the USDA Smart Snacks in School nutrition requirements
 - This restriction does not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as concessions during after-school sporting events, school plays or concerts; or to bulk food items that are sold for consumption at home. (Ex: frozen pizzas, cookie dough tubs, etc.)

Triennial Assessment

The school board shall assess and review this policy at least every three years to determine:

- Compliance with this policy;
- How this policy compares to South Dakota DOE model wellness policies;
- Progress made in attaining the goals of this policy.

The school board will update or modify this policy as appropriate.

Public Notice

The school district will provide notice of this policy at least annually to the public and other stakeholders identified in this policy by one or more of the following methods: on its webpage, in its newsletter, in the student and employee handbooks, newspaper advertisements, direct mailings, electronic mail, and public postings.

The school district will provide notice of the Triennial Assessment and progress reports towards meeting the goals in this policy using one or more of those same methods.

Recordkeeping

The District will retain records to document compliance with the requirements of the wellness policy at its central office.

Operational Responsibility

The superintendent is responsible for coordinating the implementation of this policy and for monitoring the district's progress in meeting the goals established by this policy. The superintendent will periodically report to the board on the district's progress in implementing this policy.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5054 Student Bullying

Definition of Bullying. South Dakota statute defines bullying as:

“A pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking [as defined by state law], physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
- Substantially interferes with a student's educational performance; or
- Substantially disrupts the orderly operation of a school.

Bullying also includes retaliation against a student for asserting or alleging an act of bullying.”

The Centers for Disease Control and Prevention defines bullying as:

“Any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated.”

The school district’s administrators will consider these definitions when determining whether any specific situation constitutes bullying. These definitions include both in-person and cyberbullying behaviors.

Bullying Prohibited. Students are expected to behave in a civil manner in compliance with the law and all school rules. Students are prohibited from engaging in any form of bullying behavior.

Reporting Bullying. Students who experience or observe bullying behavior must immediately report what happened to a teacher or

administrator. Students may . Students may always confer with their parents or guardians about bullying they experience or witness, but the students must also ultimately report the situation to a teacher or administrator.

Anonymous Reports. Students can use the district’s anonymous platform Safe2Say to make this report. District administration may choose to consider anonymous reports made by other methods.

Bullying Investigations. School district staff will investigate allegations of bullying using the same practices and procedures that the district observes for student disciplinary matters. In no circumstance will school district staff be deliberately indifferent to allegations of bullying.

Disciplinary Consequences. The disciplinary consequences for bullying behavior will depend on the frequency, duration, severity and effect of the behavior. A student who engages in bullying behavior that materially and substantially interferes with or disrupts the educational environment, the district’s day-to-day operations, or the education process, regardless of where the student is at the time of engaging in the bullying behavior, may be subject to discipline to the extent permitted by law.

Support for Students Who Have Experienced Bullying. Regardless of where the bullying occurred, the district will consider whether victims of bullying are suffering an adverse educational impact and, if appropriate, will refer those students to the district’s student assistance team.

Bullying Prevention and Education. Students and parents are encouraged to inform teachers or administrators orally or in writing about bullying behavior or suspected bullying behavior. School employees are required to inform the administrator of all such reports. The appropriate administrator shall promptly investigate all such reports. Each building shall engage in activities which educate students about bullying, bullying prevention and digital citizenship.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5056
Free Expression by Students

The board of education recognizes that students do not shed their constitutional rights at the schoolhouse gate. However, the board of education is responsible for balancing those rights against its responsibility to provide a program of education for students in this district. The board is authorized to preserve order so that the system may function properly.

Students may not engage in any expressive conduct that causes a material and substantial disruption to the educational program; that is lewd, obscene, profane, defamatory, threatening or contains "fighting words;" that advocates the use of substances that are illegal to minors; that incites violence or constitutes a "true threat;" or that urges the violation of law or school rules. Violators will be disciplined in accordance with law and board policy.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5057

District Title I Parent and Family Engagement Policy

The school district will jointly develop with parents a School-Parent-Student Compact that outlines how the parents, school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.

The written District Parent and Family Engagement Policy will be jointly developed and distributed to parents and family members of participating children and the local community in an understandable format and to the extent practicable, in a language the parents can understand. An annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy and to remove barriers to participation.

The school district recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program shall include, but is not limited to:

1. An annual meeting to which all parents of participating children will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and the right of the parents to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled, based upon need and interest for such meetings.
2. An explanation of the details for the child's and parents' participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and the achievement levels of the challenging State academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other Federal, State, and district programs, and evaluations of progress.
3. Opportunities for participation in parent involvement activities such as training to help parents work with their children to

improve achievement. A goal of parent activities is to provide parents with opportunities to participate in decisions relating to the education of their students, where appropriate.

4. The district will, to the extent practicable, provide parents of limited English proficiency, parents with disabilities, parents with limited literacy, are economically disadvantaged, are of a racial or minority background or parents of migratory children with opportunities for involvement in the Title I Program. Communication to parents about student progress and the district's other Title I Program communications will be provided in the language used in the home to the extent practicable. Responses to parent concerns will be provided in a timely manner.
5. Opportunities for parent-teacher conferences, in addition to those regularly scheduled by the school district, if requested by the parents or as deemed necessary by school district staff.
6. The district will coordinate and integrate parental involvement programs and activities with other programs in the community. These may include cooperation with other community programs such as Head Start and preschools and other community services such as the public library.
7. Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of contributions of parents, how to reach out to, communicate with and work with parents as equal partners.

This policy shall be reviewed annually at the annual meeting where concerned parties can have a conversation about possible changes to the Parent and Family Engagement Policy.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5064
Supplement, Not Supplant

The district will use Title I, Title II, Title IV, and any other funds subject to Supplement, Not Supplant requirements as required by law. The district will use said funds to Supplement, Not Supplant, state and local funds that would, in the absence of such funds, be spent on Title programs. The district will ensure that Title funds will not be used to provide services which otherwise take the place of public education services that are to be provided to all students.

The district maintains records of the professional development provided at the district level that is funded with Title funds. The Superintendent will ensure that professional development is aligned with the needs of the district's Title programs. Title professional development will not duplicate that which the district provides for non-Title purposes which, in the absence of Title funds, would be provided to all staff.

Adopted on: July 10th, 2023

Revised on: August 14th, 2023

Reviewed on: _____

5066 Early Graduation

General Policy. Students most effectively obtain the skills and experience necessary to graduate from high school by completing grades 9 through 12 over the course of 4 years. Unless otherwise permitted by Board policy or other applicable law, students must finish all 4 grade levels in order to graduate.

Requirements for Application. In unique circumstances, the Board may waive the four-year attendance requirement for high school graduation for students who have attended high school for at least seven semesters and provided that the student has met the requirements of this policy.

Students must make an application to the high school principal before they may seek permission to graduate early from the Board. The principal may consult with appropriate instructional and guidance staff members in making the determination. The student's application must:

- Be submitted to the high school principal by October 1, of the student's junior year;
- Complete the early graduation form which is filled out and signed by student, parent, and school official;
- Have at least a 3.5 grade point average;
- Have completed at least 22 credits of classes required for graduation.

Consideration by the Board of Education. The principal will make a written recommendation to the Board based on the submitted application from the student. The Board will consider but is not bound by the principal's recommendation. Along with the application, the Board may consult with members of the administration, staff, or anyone else the Board deems appropriate. The Board will grant a student's application only if it determines that the student is best served by permitting the student to graduate early.

Participation in District Activities. Early graduates will be considered graduates of the district at the time the Board confers such status upon them. Therefore, early graduates will no longer be considered members of the student body and will forfeit those rights and privileges accorded such students.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____

5067
Student Assistance Team Process

The school district uses general education student assistance teams (SATs). SATs consider and create problem-solving and intervention strategies to assist classroom teachers to meet the needs of students who may be struggling in the general curriculum or who are struggling to comply with the student code of conduct or to meet acceptable behavioral and social norms.

All teaching staff must:

- 1) Support the SAT process by appropriately referring students who may benefit from the SAT process; and
- 2) Faithfully and consistently implementing the intervention strategies recommended by the SAT.

The failure to support the SAT process is a serious matter and may constitute just cause for terminating or canceling a teacher's employment.

Adopted on: July 10th, 2023

Revised on: _____

Reviewed on: _____