

MCLAUGHLIN SCHOOL DISTRICT 15-2

BOARD POLICY BOOK

February 2022



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SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

FILE: A-1 EDUCATIONAL PHILOSOPHY

Today, education is a continuous process of learning, not only for the present but for the future. Therefore, the board will provide an educational environment that promotes learning as a lifelong endeavor. In addition, the board believes that education is not just the development and refinement of mental capacity but a process that assists students in meeting their physical, cultural, social, aesthetic, and emotional needs. The board will strive to provide stimulation and assistance so that each child develops in accordance with his/her individual abilities, interests, and potential. The responsibility of the school, therefore, is to help guide the individual in many and varied educational experiences so that he/she can develop into a wholesome, happy, and productive human being. The board recognizes the importance of the home as an influence upon the child and believes that a sympathetic, cooperative attitude between teacher and parent is necessary in the development of the student's integrated personality. The total staff of the school system constitutes an inestimable and lasting force in the development of the student. The teacher is the most significant influence in the school and, therefore, it is primarily the teacher's responsibility to provide the learning environment in the school that fosters maximum student growth and reflects individual differences. It is further realized that mutual rapport among the home, student, staff, administration, school board, and total community is necessary to implement this policy.

Adopted Date: November 14, 2016

FILE: A-2 SCHOOL DISTRICT TITLE I PARENTAL INVOLVEMENT LOCAL EDUCATIONAL AGENCY POLICY

The McLaughlin School District shall:

1. Post each school's parental involvement policy in board-approved student handbooks distributed to all parents/students in the district each year.
2. Establish a District Parent Advisory Council that meets at least annually to plan, review, and improve the program. The Parent Advisory Council membership shall consist of the Administration, teachers, Special Education representation, and parents who represent each of the Title I project schools in the district.
3. The purpose of the council shall be to:
 - a. involve parents in the joint development of the annual consolidated plan and the process of school review and improvement.
 - b. provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parental involvement activities to improve student performance and attendance; and
 - c. coordinate and integrate parental involvement strategies with other programs, such as the Head Start Program.

4. Provide all parents the opportunity to annually evaluate the content and effectiveness of the Parent Involvement Policy in improving the academic quality of the Title I schools, including identifying barriers to greater participation by parents. Title I program information will be explained at the annual meeting.
5. Involve parents in the activities of the schools through such activities as family nights, Title I meetings, and book fairs.

Adopted Date: November 14, 2016

Legal References: Elementary and Secondary Education Act of 1965 as amended.

FILE: A-3 NONDISCRIMINATION IN FEDERAL PROGRAMS

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

The District will provide the following:

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

In compliance with applicable federal laws and regulations, the board has appointed the superintendent as the District's compliance officer to coordinate program compliance with federal programs. The superintendent can be reached at:

McLaughlin School District
Physical School District Address
Phone #: (605) _____

A complaint may also be filed with the United States Office for Civil Rights, U.S. Department of Education at: 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106: Telephone: (816) 268-0550; Facsimile: (816) 268-0599; Telecommunication Device for the Deaf: (877) 521-2172; E-mail: OCR.KansasCity@ed.gov.

COMPLAINT PROCEDURE

The board has adopted a specific procedure to ensure that parental/student/public complaints related to the provisions of applicable federal programs, statutes, or regulations, including claims of retaliation, are handled fairly. The board will not discriminate in any of its policies and programs on the basis of age, race, color, creed, national origin, ancestry, religion, sex, or disability.

The purpose of this complaint procedure is to outline a procedure for addressing parental/student/public complaints about federal program compliance and/or discrimination. Complaints against school employees and complaints related to sexual harassment, bullying, and instructional and library materials are addressed through other School District policies and not through this policy.

For the purposes of this policy, a “complaint” is a perceived or alleged violation of federal programs, statutes, or regulations (e.g., Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), ESSA, McKinney-Vento Act (homeless children), etc.), and/or discrimination in a policy and/or program based on age, race, color, creed, national origin, ancestry, religion, sex, or disability.

To protect the confidentiality of all concerned, it is imperative that any school employee in receipt of a complaint treat the complaint as confidential and that the complaint be neither reproduced in any form nor disclosed or discussed with any person other than those identified as proper recipients of the complaint (i.e., the principal, superintendent, school board).

When a federal program compliance complaint or discrimination/harassment complaint based on race, color, national origin, age, or sex (excluding sexual harassment complaints) is brought directly to an individual board member or the entire board, the board member or entire board may listen to the person’s complaint but shall take no action unless there has been compliance with this Policy. The person bringing the complaint will be directed to the procedure as set forth below. The following procedure is designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the employee against whom the complaint is made. It is only when the person having the complaint and the employee involved cannot resolve the problem, and the complaint cannot be resolved at the administrative level, that the board and board members will become involved.

Should it be determined that discrimination or harassment occurred based on race, color, national origin, age, or sex, the District will take steps to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on others, if appropriate.

STEP 1: Initial Complaint

- A. The person having the complaint related to federal program compliance or discrimination/harassment complaint based on race, color, national origin, age, or sex (excluding sexual harassment complaints) must initiate the complaint procedure in one of the following ways:
- meet and discuss the concern with the employee involved, OR
 - meet and discuss the concern with the employee's principal.
1. If the complainant met with the employee and the complaint was not resolved, the complainant must meet and discuss the complaint with the employee's principal within ten (10) calendar days of the meeting with the employee. The principal shall complete a Complaint Form, Exhibit AC-E (1). The complainant shall sign and date the Complaint Form verifying the accuracy of its content.
 2. If the complainant initiates the complaint by meeting with the principal, the principal shall complete a Complaint Form, Exhibit AC-E (1). The complainant shall sign and date the Complaint Form verifying the accuracy of its contents.
- B. Upon the Complaint Form being signed and dated by the complainant, the principal shall give a copy of the complaint to the District's Compliance Officer (Superintendent). The principal shall also give a copy of the complaint to the employee and schedule an informal meeting with only the complainant, employee, and principal present. At the meeting, the principal shall attempt to facilitate discussion between the complainant and employee by seeking clarification of the issue(s) and seeking a resolution to the complaint. However, attempts to informally or voluntarily resolve the complaint should not delay the commencement of the District's investigation. Should a resolution be obtained, the resolution shall be noted on the Complaint Form. Should a resolution not be obtained, the complainant and/or the employee may request a decision by the principal on the merits of the complaint by making the request on the Complaint Form.
- C. If the principal is asked to make a decision on the merits of the complaint, the principal has the authority to investigate the complaint beyond the information received from the complainant and employee during the meeting with the complainant, employee, and principal. During the principal's investigation, the complainant and alleged perpetrator shall both have the opportunity, at separate times, to present witnesses and provide evidence to the principal. The principal shall evaluate all relevant information and documentation related to the complaint of discrimination or harassment and shall render a decision in writing within fourteen (14) calendar days of the request for a decision on the merits of the complaint. The time frame for rendering a decision by the principal may be extended by the principal for good cause and upon written notification to the complainant and employee. The notification shall identify the reason for the extension and the date on or before which the decision shall be

rendered. The complainant and the employee shall receive written notification of the principal's determination/resolution.

- D. The principal's decision may be appealed by the complainant or employee to the superintendent within ten (10) calendar days of receipt of the principal's written decision pursuant to Step 2. If the principal does not render a written decision within the required time frame (fourteen (14) days unless extended), the complainant or employee may appeal to the superintendent pursuant to Step 2.

Should the complaint be against a principal, the superintendent shall address the complaint through the procedure set forth in Step 1. An appeal by the complainant pursuant to Step 1D may be filed with the school board pursuant to Step 3.

Should the complaint be against the superintendent (or the principal who also is the superintendent) the Complaint Form, Exhibit AC-E (1), shall be given to the business manager. The business manager shall give the Complaint Form to the school board president or chairperson. At the next school board meeting, the school board will designate a person who is not an employee of the District to address the complaint through the procedure set forth in Step 1. An appeal by the complainant pursuant to Step 1D may be filed with the school board pursuant to Step 3.

II. STEP 2: Appeal to the Superintendent

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

- A. The appeal shall be in writing using Exhibit AC-E (2). The appealing party must attach the complaint and the principal's written decision if a decision was rendered.
- B. Upon receipt of an appeal, the superintendent will provide a copy of the appeal to the other party. Within five (5) calendar days, the other party may submit a written response to the appeal. The superintendent shall provide a copy of the response to the appealing party.
- C. In the superintendent's sole discretion, the superintendent may (a) meet and discuss the matter with the complainant and employee, (b) meet and discuss the matter with the complainant, employee, and principal, or (c) meet and discuss the matter with the principal.
- D. Within fourteen (14) calendar days from the date the appeal was filed with the superintendent, the superintendent shall render a decision in writing. The time frame for rendering a decision by the superintendent may be extended by the superintendent for good cause and upon written notification to the complainant and employee; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The complainant, employee, and principal shall receive

copies of the decision. The superintendent may uphold, reverse, or modify the principal's decision. The superintendent may also refer the matter back to the principal for further investigation. The principal may uphold, modify, or reverse his or her initial decision. After a matter has been referred to the principal, and the principal rendered a second decision, that decision may also be appealed to the superintendent.

- E. The superintendent's decision may be appealed by the complainant to the school board within ten (10) calendar days of receipt of the superintendent's written decision pursuant to Step 3. If the superintendent does not render a written decision within the required time frame (fourteen (14) calendar days unless extended), the complainant may appeal to the school board pursuant to Step 3.
- F. If the employee believes the superintendent's decision constitutes a violation, misinterpretation, or inequitable application of school board policy or collective bargaining agreement applicable to the employee, the employee may file a grievance pursuant to the applicable grievance policy. A grievance filed pursuant to this provision shall be initiated at the superintendent level.

STEP 3: Complainant's Appeal to the School Board

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

- A. An appeal to the school board shall be in writing using Exhibit AC-E (3). The complainant must attach the complaint, the principal's written decision if a decision was rendered, the appeal to the superintendent, the response to the appeal, if any, and the superintendent's decision if one was rendered.
- B. The appeal must be filed with the president/chairperson of the school board or business manager within ten (10) calendar days of complainant's receipt of the superintendent's written decision, or within ten (10) days of the deadline for the superintendent's written decision, whichever comes first.
- C. Upon receipt by the board president/chairperson of an appeal by the complainant, a copy of the appeal shall be given to the employee involved.
- D. Upon receipt of an appeal to the school board, the school board shall schedule a date, time, and location for the appeal hearing.
- E. The following procedure shall be applicable at the appeal hearing before the school board:
 - 3. The school board shall appoint a school board member or a person who is not an employee of the District as the hearing officer.

4. Within thirty (30) calendar days of an appeal being filed with the school board, the school board shall conduct a hearing in executive session.
5. The complainant, employee, and superintendent each have the right to be represented at the hearing.
6. The school board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed.
7. The issue on appeal is whether the superintendent's decision should be upheld, reversed, or modified by the school board; in the absence of a decision by the superintendent, the school board will decide on the merits of the complaint.
8. All parties shall be given the opportunity to make an opening statement, with the complainant being given the first opportunity, followed by the employee and then the superintendent.
9. The complainant shall present his or her case first, and the employee shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and school board members may ask questions of any witness.
10. After the complainant and the employee have presented their respective cases, the superintendent shall then present the basis of his/her decision which led to the appeal, if a decision was rendered. The complainant and employee shall have the opportunity to ask the superintendent questions. The hearing officer and Board members may also ask questions of the superintendent.
11. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the school board president/chairperson, hearing officer, or other person authorized by law to take oaths and affirmations.
12. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist., 281 N.W.2d 595, 602 (S.D. 1979) ("This [school board hearing related to teacher contract nonrenewal] does not mandate nor necessitate the use of strict evidentiary rules.")*
13. Both parties shall be given the opportunity to make a closing statement with the complainant having the first opportunity, followed by the employee and then the superintendent. The complainant shall be given the opportunity for a brief rebuttal.

14. After the evidentiary hearing, the school board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the board during deliberations. During deliberations, the board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of the complainant, employee, and superintendent are present. The board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
15. Within twenty (20) calendar days of the hearing, the school board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the board president for good cause and upon written notification to the complainant, employee, and superintendent. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.
16. The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The board will reconvene in open session. The board may uphold, reverse, or modify the superintendent's decision, or render a decision on the merits of the complaint in the absence of a superintendent's decision. Findings of Fact, Conclusions of Law and Decision, consistent with the board motion, shall be in writing and approved by the board. The complainant, employee, principal, and superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the school board.
17. If the complainant is dissatisfied with the school board's decision, the complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

Adopted Date: September 13, 2021

Legal References: SD Constitution Article 6 (Bill of Rights)
SDCL 13-37 (Special assistance and related services)
SDCL 20-13 (Human rights)
Public Law 94-142 (Education for All Handicapped Children Act of 1975)
USC Title 20 §1681-1688 (Nondiscrimination based on sex in educational programs and activities)
USC Title 20 §6301 et. seq. (Every Student Succeeds Act)
USC Title 29 Chapter 14 (Age discrimination in employment)
USC Title 29 Chapter 16 (Vocational rehabilitation)
USC Title 42 §11431 (McKinney-Vento Homeless Children Act)

USC Title 42 §2000 Civil Rights Act of 1964 (Prohibits discrimination by covered employers based on race, color, religion, sex, or national origin)
USC Title 42 §6101-6103 (Age discrimination in federally assisted programs)

FILE: A-4 SEXUAL HARASSMENT

I. Policy Statement

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

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

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

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

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

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

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

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

III. Designation of Title IX Coordinator

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

Name or Title: _____

Office Address: _____

Email Address: _____

Telephone Number: _____

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

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

IV. Dissemination of Policy

The District shall notify persons entitled to the notification under Section I above that the District does not discriminate based on sex in the education program or activity that it operates and that it is required by Title IX and this policy not to discriminate in such a manner. Such

notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, the U.S. Assistant Secretary of Education, or both.

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

V. Adoption of Grievance Procedures

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

VI. Definitions *(34 CFR § 106.30(a), except when otherwise indicated)*

- (a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability (when a person has a particular legal relationship to the person who acted negligently) or constructive notice (deeming notice of something to a person having been given, even though actual notice did not exist) is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District.
- (b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- (c) "Dating violence" means violence committed by a person:
 - 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim?
 - 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship.
 - ii. the type of relationship.

- iii. the frequency of interaction between the persons involved in the relationship. *(34 U.S.C. 12291(a)(10))*
- (d) “Decision-maker” means the school administrator who has primary responsibility and authority related to students, staff, and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the board, and who has the authority to make a determination on the complaint as to responsibility of the respondent. *(ASBSD sample definition)*
- (e) “Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. *(34 U.S.C. 12291(a)(8))*
- (f) “Education program or activity” includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs. *(34 CFR § 106.44(a))*
- (g) “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the District.
- (h) “Document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.
- (i) “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- (j) “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- (k) “Sexual assault” means any nonconsensual sexual act proscribed by federal, tribal, or law, including when the victim lacks capacity to consent. *(20 U.S.C. 1092(f)(6)(A)(v))*

- (l) “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - 1. fear for his or her safety or the safety of others; or
 - 2. suffer substantial emotional distress. (34 U.S.C. 12291(a)(30))
- (m) “Supportive measures” means no disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escorting the complainant while on District property or while a District off-campus activity, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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

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

The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. Response to a formal complaint. In response to a formal complaint, the District shall follow the grievance process as set forth in ACAA-R (1), Sexual Harassment – Regulations.
- C. Time frames. The time frames set forth in the regulations shall be considered as a maximum length of time within which the related step is to be completed, however, the time frames may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party’s advisor, a witness, or decision-maker (including a person

necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

- D. Emergency removal. Nothing in Title IX regulations or this policy prohibits the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal; however, nothing in Title IX regulations or this policy may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process; however, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

VIII. Informal Resolution (34 CFR § 106.45(b)(9))

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

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

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

- professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student" (i.e., student who has reached 18 years of age), the District must obtain the voluntary, written consent of a "parent" (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian) (34 CFR § 106.45(b)(5)(i));
3. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (34 CFR § 106.45(b)(5)(ii));
 4. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy (34 CFR § 106.45(b)(5)(iii)); and
 5. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. (34 CFR § 106.45(b)(5)(iv))
- F. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. (34 CFR § 106.45(b)(1)(ii))
- G. No individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. (34 CFR § 106.45(b)(1)(iii))
- H. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to investigate and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. (34 CFR § 106.45(b)(1)(iii))

1. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
 2. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
 3. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.
- I. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct. *(34 CFR § 106.45(b)(1)(iv); 34 CFR § 106.45(b)(2)(i)(B))*
 - J. The District's grievance procedure as set forth in ACAA-R (1), Sexual Harassment – Regulations, shall:
 1. include reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the District offers informal resolution processes *(34 CFR § 106.45(b)(1)(vi))*;
 2. include a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities *(34 CFR § 106.45(b)(1)(v))*;
 3. include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility *(34 CFR § 106.45(b)(1)(vi))*;
 4. state that for all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard *(34 CFR § 106.45(b)(1)(vii))*;
 5. include the procedures and permissible bases for the complainant and respondent to appeal *(34 CFR § 106.45(b)(1)(viii))*;
 6. describe the range of supportive measures available to complainants and respondents *(34 CFR § 106.45(b)(1)(ix))*; and
 7. not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. *(34 CFR § 106.45(b)(1)(x))*

- K. If, during an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision B in this section, the District shall provide notice of the additional allegations to the parties whose identities are known. *(34 CFR § 106.45(b)(2)(ii))*
- L. Any party whose participation is invited or expected shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate. *(34 CFR § 106.45(b)(5)(v))*
- M. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. *(34 CFR § 106.45(b)(5)(vi))*
- N. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *(34 CFR § 106.45(b)(5)(vi))*
- O. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy for their review and written response. *(34 CFR § 106.45(b)(5)(vii))*
- P. No adversarial hearing shall be held unless the determination of the superintendent is appealed to the board, or unless the superintendent recommends the long-term suspension or expulsion of a student or the suspension without pay or termination of employment of an employee. *(34 CFR § 106.45(b)(6)(ii))*
- Q. The superintendent may make a recommendation to the board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The superintendent may also make a recommendation to the board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the superintendent, a formal adversarial hearing shall be held before the board as set forth in ACAA-R(1), Sexual Harassment – Regulations. *(34 CFR § 106.45(b)(8)(ii))*

X. Appeal

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

XI. Consolidation of Formal Complaints

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

XII. Dismissal of a Formal Complaint

- A. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment, however, the dismissal does not preclude action under another provision of the District's code of conduct. *(34 CFR § 106.45(b)(3)(i))*
- B. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: *(34 CFR § 106.45(b)(3)(ii))*
 - 1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.
 - 2. the respondent is no longer enrolled in or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- C. Upon a dismissal required or permitted pursuant to Section A. or B. above, the District shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. *(34 CFR § 106.45(b)(3)(iii))*

XIII. Recordkeeping *(34 CFR § 106.45(b)(10))*

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

measures, the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

XIV. Retaliation Prohibited *(34 CFR § 106.71)*

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

XV. Confidentiality

- A. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX *(34 CFR part 106)*, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *(34 CFR § 106.71(a))*
- B. The District shall maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. *(34 CFR § 106.30(a))*

Adopted Date: September 13, 2021

Legal References: CFR Title 34 Part 106 (Nondiscrimination on the basis of sex)
USC Title 20 §1092(f)(6)(A)(v) (Definition of sexual assault)
USC Title 34 §12291(a)(8) (Definition of domestic violence)
USC Title 34 §12291(a)(10) (Definition of dating violence)
USC Title 34 §12291(a)(30) (Definition of stalking)
Title IX of the Education Amendments of 1972

Cross References: AC: Nondiscrimination in Federal Programs
JF: Student Rights and Responsibilities
JFA: Student Due Process Rights
JFC: Student Conduct
JFCD: Bullying

Adopted Date: November 14, 2016

Updated: August 27, 2021

**SEXUAL HARASSMENT
COMPLAINT REPORT FORM**

Date Form Completed: _____

Form Completed by: _____

Person Reporting the Sexual Harassment: _____

Address/Phone # of the Person Reporting the Sexual Harassment:

Nature of Complaint: (With specificity, identify the person(s) alleged to have sexually harassed, the conduct which is the basis of the sexual harassment complaint, when/where the conduct occurred, the person(s) alleged to have sexually harassed, witnesses, and any other pertinent information):

(use additional sheets if necessary)

Date

School Employee Completing the Sexual Harassment Report Form

Date

Person Reporting the Sexual Harassment

FILE: A-4.1 SEXUAL HARASSMENT – REGULATIONS

SECTION 1 - Policy Statement

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

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

The District's policy prohibiting sexual harassment is ACAA. This regulation supplements that policy, and the policy and these regulations are consistent with the federal regulations set forth in 34 CFR Part 106.

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

Complaints based on nondiscrimination in federal programs, complaints against school employees, and complaints related to bullying are addressed through other District policies and not through the policy prohibiting sexual harassment and this regulation.

SECTION 2 - Definitions

- A. Sexual Harassment. Federal law (34 CFR § 106.30) defines "sexual harassment" as conduct based on sex that satisfies one or more of the following:
1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexually oriented words and actions which tend to annoy, alarm or are physically or verbally abusive toward another person and which serve no legitimate or valid purpose regardless of the intent of the person accused of the sexually harassing conduct, constitutes sexual harassment. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other laws, regulations and policies also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

Sexual harassment is a specific type of harassment which is prohibited under this policy. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual flirtations, advances, or propositions.
- Verbal comments, jokes, or abuse of a sexual nature.
- Graphic verbal comments about an individual's body.
- Sexually degrading words used to describe an individual.
- Displaying pornographic material.
- Physical contact or language of a sexually suggestive nature.

- B. Other definitions. Other definitions applicable to these Regulations are the definitions as set forth in Policy ACAA, Sexual Harassment, Section V.

SECTION 3 - Sexual Harassment Reporting Procedure

Any person may report sexual harassment (whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

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

The written Complaint or Sexual Harassment - Complaint Report Form, ACAA-E(1), must include the following:

- the date the written Complaint was filed or the Sexual Harassment - Complaint Report Form was completed,

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

If the signed written Complaint was given to a teacher, guidance counselor or administrator, or if the Sexual Harassment - Report Form was completed by a teacher, guidance counselor, or administrator, the teacher, guidance counselor or administrator shall forward the complaint or Sexual Harassment - Report Form to the Title IX Coordinator.

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

SECTION 4 - Retaliation Prohibited

- A. Neither the District nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- B. The prohibition against retaliation related to a sexual harassment complaint is set forth in full in Policy ACAA, Sexual Harassment, Section XIII, and by this reference incorporated herein as if set forth in full.

SECTION 5 - Procedure for Addressing Sexual Harassment Complaints

A. General Provisions.

1. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures (see Policy ACAA, V(m)) and consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
2. The time frames set forth in these regulations shall be considered as a maximum length of time within which the related step is to be completed; however, the time frame may be within which the District is required to complete a step may be

extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party's advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

3. Nothing in the policy or these regulations prohibit the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal; however, nothing in the policy or regulations may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the policy or regulations prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process; however, nothing in the policy or regulations may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. Confidentiality.

1. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX (34 CFR part 106), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
2. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

C. Informal Resolution.

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

an informal resolution process under this policy, and may not offer an informal resolution process unless a formal complaint is filed.

2. Policy ACAA, Sexual Harassment, Section VII, is the section explaining informal resolution and by this reference incorporated herein as if set forth in full.

D. Formal Complaint.

1. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known:
 - a. Notice of the District's grievance process, including any informal resolution process.
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney and may inspect and review evidence. The written notice shall inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the District's education program or activity.
3. The District shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

E. Investigation of a Formal Complaint.

1. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy, even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must

dismiss the formal complaint with regard to that does not preclude action under another provision of the District's code of conduct.

2. Unless the nature of the complaint and investigation dictate otherwise, the investigation should be completed within sixty (60) calendar days of receipt of the complaint.
3. When investigating a formal complaint and throughout the grievance process, the District:
 - a. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.
 - b. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - c. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
 - d. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision D.1., the District shall provide notice of the additional allegations to the parties whose identities are known.
5. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each

party can meaningfully respond to the evidence prior to conclusion of the investigation.

7. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District shall make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
8. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

F. Determination.

1. The decision-maker shall not be the same person as the Title IX Coordinator or investigator(s).
2. After the Investigator has sent the investigative report to the parties, and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All parties shall have ten (10) calendar days from the date the investigatory report was sent to the parties to submit written, relevant questions to the decision-maker, who shall forward the questions to the other party following the ten (10) day period, unless all parties submitted questions prior to the end of the ten (10) day period and in such case the decision-maker shall forward the questions upon receipt of questions by all parties. All parties shall have five (5) calendar days to submit to the decision-maker and the other parties any written responses to the questions.
3. The decision-maker shall have fourteen (14) calendar days after the expiration of time frame set forth in E.8. above to issue a written determination as to the complaint.
4. The decision-maker shall not conduct an adversarial hearing unless the board conducts a hearing following an appeal of the superintendent's decision to the board, or following the superintendent's recommendation to the board that a student determined to have sexually harassed another person be suspended long-term or expelled or recommend to the board that an employee determined to

having sexually harassed another person be suspended without pay or the person's employment with the District be terminated.

5. Standard of evidence. For all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.
6. Upon recommendation of a decision-maker, on following an appeal of the decision-maker's determination, the superintendent may make a recommendation to the board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The superintendent may also make a recommendation to the board that an employee determined to have sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the superintendent, a formal adversarial hearing shall be held before the board.
7. Disciplinary sanctions. Following any determination of responsibility, the District may implement disciplinary sanctions and remedies that include, but are not limited to:
 - a. if a student:
 - i. loss of privileges
 - ii. detention
 - iii. in-school suspension
 - iv. long-term suspension
 - v. expulsion
 - b. if an employee:
 - i. written reprimand
 - ii. written plan of improvement, which may include directive to obtain training related sexual harassment and the prohibition against sexual harassment
 - iii. suspension without pay
 - iv. termination of employment
 - c. if a guest or vendor:
 - i. restrict access to school property
 - ii. deny access to school property
8. The decision-maker must issue a written determination regarding responsibility. To reach this determination, the decision-maker shall apply the preponderance of evidence standard of evidence.
9. The written determination shall include:
 - a. identification of the allegations potentially constituting sexual harassment;

- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. findings of fact supporting the determination;
 - d. conclusions regarding the application of the District's code of conduct to the facts;
 - e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the District to the complainant; and
 - f. the District's procedures and permissible bases for the complainant and respondent to appeal.
10. The District shall provide the written determination to the parties simultaneously.
11. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

G. Appeal.

1. Both parties have the right to appeal to the board the superintendent's determination regarding responsibility, and from a dismissal of a formal complaint or any allegations therein, on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter.
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
2. As to all appeals, the Title IX Coordinator shall:
 - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
 - b. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

- c. Ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy.
 - d. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
 - e. Ensure that a written decision is issued describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.
3. Appeal to the Superintendent. The following procedure shall be used to address an appeal of the decision-maker's determination to the Superintendent:
- a. If a party is not satisfied with the decision-maker's determination, or if the decision-maker's determination does not without good cause render a written decision within fourteen (14) calendar days of the expiration of time frame set forth in E.8., that party may appeal to the superintendent by filing form ACAA-E (2), Sexual Harassment – Complaint Appeal to the Superintendent. The appeal must be filed within ten (10) calendar days of receipt of the decision-maker's written decision, or ten (10) days of the deadline for the decision-maker's written decision, whichever comes first. The appealing party must attach the decision-maker's written determination.
 - b. Within fourteen (14) calendar days from the date the appeal was filed, the superintendent shall render a decision in writing. All parties shall receive copies of the decision. The superintendent shall uphold, reverse, or modify the decision-maker's decision, or the superintendent may refer the matter back to the decision-maker for further investigation and supplemental decision which decision may restate, modify, or reverse the decision-maker's initial decision. A supplemental decision by the decision-maker after a referral back to the decision-maker may be appealed to the superintendent.
4. Appeal to the School Board. If a party is not satisfied with the superintendent's decision, or if the superintendent does not without good cause render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the school board by filing with the business manager using Form ACAA-E(3), Sexual Harassment – Complaint Appeal to the School Board, within ten (10) calendar days of receipt of the superintendent's written decision, or ten (10) days of the deadline for the superintendent's written decision, whichever comes first. The appeal shall be in writing and the appealing party must attach to the appeal the decision-maker's written decision, the appeal to the superintendent, and the superintendent's written decision or notice of the superintendent's failure to render a written decision.

The following procedure shall be used by the board to address an appeal of the superintendent's decision on the merits related to a sexual harassment complaint:

1. Upon receipt by the board president/chairperson of an appeal by the complainant, a copy of the appeal shall be given to the person alleged to have violated the sexual harassment policy.
2. Upon receipt of an appeal, the board shall at its next meeting schedule a date, time, and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the board:
 - a. The board shall appoint a board member or a person who is not an employee of the school district as the hearing officer.
 - b. Within thirty (30) calendar days of an appeal being filed with the board, the board shall conduct a hearing in executive session.
 - c. The complainant, person alleged to have violated the sexual harassment policy, and superintendent each have the right to be represented at the hearing.
 - d. The board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and remain with the hearing officer until the appeal process has been completed.
 - e. The issue on appeal is whether the superintendent's decision should be upheld, reversed, or modified.
 - f. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the superintendent.
 - g. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witness(es). The hearing officer and board members may ask questions of any witness.
 - h. The superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the superintendent questions. The hearing officer and board members may also ask questions of the superintendent.
 - i. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the school board president, hearing officer or other person authorized by law to take oaths and affirmations.
 - j. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595, 602 (S.D. 1979).
 - k. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the superintendent. The appealing party shall be given the opportunity for a brief rebuttal.

- l. After the evidentiary hearing, the board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the board during deliberations. The board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and superintendent are present. The board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the board shall render its decision and issue its written Findings of Fact, Conclusions of Law, and Decision. The time frame for rendering a decision may be extended by the board president for good cause and upon written notification to both parties and the superintendent. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.
- m. The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The board will convene in open session and a motion to uphold, reverse, or modify the superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law, and Decision, consistent with the board motion, shall be in writing and approved by the board. Both parties, the decision-maker, and the superintendent will receive copies after the Findings of Fact, Conclusions of Law, and Decision are approved by the board.
- n. Following the board hearing, should the board determine there has been a violation of this policy prohibiting sexual harassment, board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a third person from being on school property or at school activities for such time as may be determined by the board.
- o. If either party is dissatisfied with the board's decision, that party may appeal the decision by filing an appeal pursuant to law.

SECTION 6 - Miscellaneous

- A. Consolidation of Formal Complaints. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

B. Dismissal of Complaint.

1. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.
 - b. the respondent is no longer enrolled in or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
2. Upon a dismissal required or permitted pursuant to B.1. above, the District shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
3. Any party whose participation is invited or expected shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
4. Both parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Adopted Date: August 27, 2021

FILE: A-5 PROHIBITION AGAINST AIDING OR ABETTING SEXUAL ABUSE

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

Assisting includes but is not limited to giving a positive recommendation to a potential employer and does not include the routine transmission of administrative and personnel files or information related to name of employee, contractor or agent, dates of employment/contract, and position held, or work performed.

"Probable cause exists where the facts and circumstances within the [persons] knowledge, and of _____ they have reasonably trustworthy information, are sufficient in themselves to warrant a belief by a _____ of reasonable caution that [an offense] has been or is being committed."¹

Sexual misconduct is the umbrella term federal regulators use to categorize behavior that includes sexual assault, unwanted sexual contact, and sexual harassment.²

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

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

State Reference Description

**State v. Stuck* Definition of "Probable Cause"

SDCL 13-10-15 Suspension or Resignation for Criminal Conviction

SDCL 60-4-12 Presumption of Good Faith Disclosure of Employment Information to Prospective Employers Federal Reference Description

*Rice University / Student Judicial Programs Sexual Misconduct Policy

USC Title 20 1681-1688 Nondiscrimination on the Basis of Sex in Educational Programs and Activities

USC Title 20 7926 Prohibition of Aiding and Abetting Sexual Abuse

¹ *State v. Stuck*, 434 N.W.2d 43 (SD 1988)

² Rice University Student Judicial Programs, Sexual Misconduct Policy

SECTION B: SCHOOL BOARD GOVERNANCE AND OPERATION

FILE: B-1 SCHOOL BOARD LEGAL STATUS

The school board derives its authority from the Constitution of the State of South Dakota, the acts of the State legislature, and the regulations of the South Dakota Department of Education. As expressed in the law, the board is the governing board of a school district and is created "... for the purpose of organizing, maintaining, and locating schools and for providing educational opportunities and services for all citizens residing within the school district."

The board will consist of five (5) members, elected at large by the registered voters of the District. Except as otherwise provided by law, the board members will hold office for terms of three (3) years.

Adopted Date: December 12, 2016

FILE: B-2 SCHOOL BOARD POWERS AND DUTIES

Under the laws of South Dakota, the school board acts as the governing body of the public schools with full powers of direction and control. The board derives its authority from the state legislature and will function within the framework of state and federal laws and regulations, court decisions, and attorney general opinions. Recognizing the authority of the state, the board considers the following its general functions:

1. To select and employ a superintendent of schools and support them in the discharge of his/her responsibilities.
2. To formulate and enact policy and, except as to such policies the administration of which is reserved to the board or which the board may not delegate, to delegate the application of policies to the superintendent and staff, who will be held responsible for the effective administrations and supervision of the entire school system. Nothing in this provision authorizing delegation of administration of policies to school administration or staff shall be construed, however, as the board relinquishing its responsibilities under the law for the charge, direction, and management of the school district.
3. To provide for the planning, expansion, improvement, financing, construction, and maintenance of the physical plant of the school system.
4. To establish and maintain records, accounts, archives, management methods, and procedures incidental to the conduct of school business.

5. To approve the budget, financial reports, audits, major expenditures, payment of obligations, and policies that enable the administration to formulate regulations and other guides for the orderly accomplishment of business.
6. To estimate and levy taxes for the operation, support, maintenance, improvement, and extension of the school system.
7. To approve courses of study and provide instructional materials.
8. To employ support and certificated personnel to carry out school programs and provide fair and equitable compensation.
9. To evaluate the educational program to determine the effectiveness with which the schools are achieving the educational purpose of the school system.
10. To provide for the dissemination of school district information to the public and maintain open lines of communication with the community.

Adopted Date: December 12, 2016

FILE: B-3 BOARD MEMBER AUTHORITY

The powers delegated to a school board by the state are delegated to the board as a whole. The board exercises its powers and duties only in properly called meetings, where a majority of the board constitutes a quorum to transact business. Except when performing a specific duty as ordered or directed by the board, the decision and actions of a single member of the board shall not be binding on the board. Any such decisions and actions done by an individual board member, after having been ordered or directed by the board, are subject to board approval. Unless given prior specific authority by the board to act on behalf of the board, an individual board member has no authority different than that of the general public.

Adopted Date: December 12, 2016

FILE: B-4 SCHOOL BOARD ELECTIONS

Members of the board are elected at-large at the annual election held on the third Tuesday in June. School board members are elected for three-year terms.

School Board elections shall be conducted in accordance with SDCL 13-7.

Adopted Date: December 12, 2016

FILE: B-5 BOARD MEMBER QUALIFICATION

A person is legally qualified to become a member of a school board if they are a United States citizen, comply with the provisions of law relating to the registration of voters, and are a qualified elector residing within the school district, at least eighteen (18) years of age, and not otherwise disqualified. In accordance with state law, no elective county, municipal, or state officer or holder of any other office whose duties are incompatible or inconsistent with duties of the school board member may serve as a school board member.

Adopted Date: December 12, 2016

FILE: B-6 BOARD MEMBER OATH OF OFFICE

Before taking office, all board members will take an oath of office as required by law. Newly elected members will take and subscribe to the oath at the annual meeting in July, at which time they also assume their duties of office. Appointed members will take and subscribe the oath at the meeting following their appointment. All oaths will be filed in the office of the business manager.

Adopted Date: December 12, 2016

FILE: B-7 BOARD MEMBER RESIGNATION/REMOVAL FROM OFFICE

According to the provision of state law, a vacancy occurs on the school board when an incumbent:

1. Dies.
2. Is removed from the board.
3. Fails to qualify as provided by law.
4. Ceases to be a resident of the district where elected.
5. Is convicted of an infamous crime or of any offense involving a violation of the official oath of office.
6. Has a judgment obtained against him/her for breach of official bond.
7. Is incapacitated and is unable to attend to the duties of a board member.
8. Assumes the duties of an office incompatible with the duties of a school board member.
9. Resigns.

A board member's resignation will not be effective until a successor is appointed and qualified as prescribed by law. The resigning member will continue to serve in their official capacity as a board member until that time.

If for any reason the school district fails to elect any person to succeed a school board member whose term shall have expired or an elected board member fails to qualify, the term shall be deemed vacant, and the incumbent shall continue to act in an official capacity until the vacancy is filled.

Adopted Date: December 12, 2016

FILE: B-8 UNEXPIRED TERM FULFILLMENT

When a vacancy occurs on the board for a reason allowed by law, the vacancy shall be filled by all school board members, including the vacating member, if the vacancy is created by the school district's failure to elect a person to succeed a school board member whose term has expired, an elected school board member's failure to qualify as specified in § 13-8-14, or a school board member's resignation. If the vacancy occurs due to an event listed in B-7 #1, #2, #4, #5, #6, #7, or #8, the vacancy shall be filled by the remaining school board members. The newly appointed school board member will serve until the next succeeding election, at which time a successor will be elected to serve the remainder of the unexpired time, if any.

Adopted Date: December 12, 2016

FILE: B-9 SCHOOL BOARD CODE OF ETHICS

WHEREAS it is the duty of the McLaughlin School Board and its members to ensure the efficient, fair, and professional administration of school governance and services. Now, therefore, the McLaughlin School Board hereby adopts the following code of ethics for members of the McLaughlin School Board.

School board members shall:

1. Recognize that the authority vests with the majority of the school board when assembled in open meetings or executive meetings as authorized by law, that no school board member has legal status to bind the District, and that no individual school board member or a minority of school board members may make decisions on behalf of the District unless expressly authorized by law and upon approval of a majority of school board members.
2. Make informed decisions on matters brought before the school board.
3. Recognize and adhere to the policy that it is the responsibility of the school board to plan, make, implement, appraise, and enforce policies and that it is not the responsibility of the school board or school board members to run the day-to-day operations of the District.

4. Observe and enforce federal and state laws and regulations.
5. Respect the limited intent and scope of executive sessions as set forth in statute.
6. Respect privileged communications made during executive sessions held pursuant to SDCL 1-25-2 and not divulge privileged communications made during executive session held pursuant to SDCL 1-25-2 unless required by law or with the prior approval of the school board.
7. Distinguish between personal views and those of the school board when making public comments regarding school district matters.
8. Present information to the school board without distortion and accurately represent facts concerning school district matters in direct or indirect public statements.
9. Maintain professional relationships in a manner which are free of vindictiveness, recrimination, and harassment.
10. Avoid impropriety and the appearance of impropriety in his/her position as an elected official.
11. Refer all public complaints and personal criticisms to the appropriate school administrator and only after inability to have resolution at the administrative level allow the complaint or criticism to be discussed at a school board meeting.
12. Respect the legitimacy of the goals and interests of other school board members and respect the rights of other school board members to pursue goals and policies different from their own.
13. Respect, require and contribute to the maintenance of order and decorum in proceedings before the school board.
14. Be honest, patient, dignified, and courteous to those with whom he/she deals in his/her official capacity.
15. Dispose promptly of the business of the school district for which he/she is responsible and diligently discharge responsibilities.
16. Inform the school board president or school district business manager as soon as possible upon learning that he/she will not be in attendance at a school board meeting.
17. Refrain from financial, personal, professional, and business dealings that interfere with, are in conflict with, or give the appearance of being in conflict with the proper performance of official duties.

18. Not exploit the school district or use the office of a school board member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities.
19. Not accept nor offer any gratuities, gifts, services, or things of value that (A) impair professional judgment, (B) offer special advantage or benefit to any person or organization, or (C) provide a direct or indirect personal benefit.
20. Not commit any act of moral turpitude or gross immorality.
21. Not allow family, social, or other relationships to inappropriately influence his/her decisions as a school board member.
22. not have any direct pecuniary interest in a contract with the school district or directly furnish any labor, equipment or supplies to the district unless the amount involved is less than five thousand dollars (\$5,000).

Pursuant to SDCL 1-25-2, the school board may enter into executive session to discuss the performance of an elected school board member which could include a perceived or alleged violation of this policy. Should the majority of school board members determine that a school board member has violated one or more provisions of this policy, the school board may, in open session, reprimand the school board member for the violation.

Adopted Date: December 12, 2016

FILE: B-9.1 ELECTRONIC COMMUNICATION BY BOARD MEMBERS

An exchange of information by audio, video, or electronic medium, including the internet, by a quorum of the school board and when official business of the school district is discussed or decided, or public policy is formulated, is subject to open meetings laws.

1. Board members shall not use electronic communication as a substitute for discussion or decision-making at regular or special board meetings open to the public.
2. School board members shall not use electronic communication to discuss or reach a consensus, majority opinion or unofficial decision related to school district business.

Adopted Date: September 13, 2021

FILE: B-10 BOARD MEMBER CONFLICT OF INTEREST

- A. Subject to the exceptions set forth in section (B) below, no school board member shall be interested, either by himself/herself or agent, in any contract entered into by the District, either for labor or services to be rendered, or for the purchase of commodities, materials, supplies, or equipment of any kind, the expense, price, or consideration of which is paid from public funds or from any assessment levied by the school district, or in the purchase of any real or personal property belonging to the school district. Such contract shall be null and void from the beginning.

- B. Section (A) shall not be applicable if the contract is made pursuant to any one of the conditions set forth in the following subdivisions, without fraud or deceit; but the contract is voidable if the provisions of the applicable subdivision were not fully satisfied or present at the time the contract was entered into:
 - 1. Any contract involving five thousand dollars or less regardless of whether other sources of supply or services are available within the school district if the consideration for such supplies or services is reasonable and just.
 - 2. Any contract involving more than three thousand dollars but less than the amount for which competitive bidding is required, and there is no other source of supply or services available within the school district if the consideration for such supplies or services is reasonable and just and if the accumulated total of such contracts paid during any given fiscal year does not exceed the amount specified in SDCL 5-18-3.
 - 3. Any contract with any firm, association, corporation, or cooperative association for which competitive bidding is not required and where other sources of supply and services are available within the school district and the consideration for such supplies or services is reasonable and just, unless the majority of the governing body are members or stockholders who collectively have controlling interest, or any one of them is an officer or manager of any such firm, association, corporation, or cooperative association, in which case any such contract is null and void.
 - 4. Any contract with any firm, association, corporation, or cooperative association for which competitive bidding procedures are followed pursuant to Chapter 5-18 and where more than one such competitive bid is submitted.
 - 5. Any contract for professional services with any individual, firm, association, corporation, or cooperative, if the individual or any member of the firm, association, corporation, or cooperative is a school board member, whether or not other sources of such services are available within the school district if the consideration for such services is reasonable and just.

6. Any contract for commodities, materials, supplies, or equipment found in the state price list established pursuant to §§ 5-23-8.1, at the price there established or below.
- C. No school board member may participate in discussing or vote on any issue in which the school board member has a conflict of interest. The school board member shall decide if any potential conflict of interest requires him/her to be disqualified from participating in discussion or voting. However, no school board member may participate in discussing or vote on an issue if the following circumstances apply:
1. The school board member has a direct pecuniary interest in the matter before the school board; or
 2. At least two-thirds of the governing body votes that the school board member has an identifiable conflict of interest that should prohibit the school board member from voting on a specific matter. An identifiable conflict of interest exists when the matter before the school board:
 - a. Financially benefits one closely tied to the official, such as an employer, or family member.
 - b. Benefits a blood relative or close friend in a non-financial way but a matter of great importance.
 - c. May result in a school board member's individual's judgment being affected because of membership in some organization and a desire to help that organization further its policies; or
 - d. Directly relates to the financial interest of the school board member.

Adoption Date: December 12, 2016

Legal References: SDCL 6-1-1; SDCL 6-1-2; SDCL 6-1-17; SDCL 13-7-3; SDCL 13-20-2.1; SDCL 3-23-6

FILE: B-11 BOARD OFFICERS

President: The president will preside at all meetings of the board and will perform other duties as directed by law, state regulations, and by this board. In carrying out these responsibilities the chairman will:

1. Countersign all orders drawn by the business manager for claims approved by the board.
2. Appoint or provide for the election of all committees, of which he/she will be ex-officio member;

3. Confer with the superintendent as may be necessary and desirable on school or related matters, including but not limited to preparation of school board meeting agendas.
4. Call special meetings of the board.
5. Be entitled to vote on and discuss all matters before the board; and
6. Perform such other duties as may be prescribed by the board.

Vice-President: The vice-president of the board will assume the duties and responsibilities of the chairman in his/her absence. He/she will also perform such other duties as may be assigned by the board.

Adopted Date: December 12, 2016

FILE: B-12 NEWS RELEASES

The board president will be the official spokesman for the board, except as this duty is delegated by the board president or the school board to another person. The superintendent or his/her designee will be the press liaison for coordinating the release of information concerning the school district and the actions of the board.

School board members writing informational articles for publication which would result in a reasonable person thinking, after reading the article, that the article was written on behalf of the board, will first submit the proposed article to the board president for review. After revision, if any, the article will be submitted to the full board for approval prior to publication.

While it is impossible to know how news releases will be treated by the press, every possible effort should be made to obtain coverage of school activities and personnel which will create and maintain a dignified and professionally responsible image for the school system.

Adopted Date: December 12, 2016

FILE: B-13 BOARD-SUPERINTENDENT RELATIONSHIP

The board believes that the legislation of policies is its most important function, and that execution of those policies is the function of the superintendent. Together, the board and the superintendent are a team, each playing a well-defined position.

The superintendent will be the chief executive officer of the board and will be responsible for the administrative and advisory functions of the board. Planning, policy making, and evaluation are the functions of the board.

The board holds the superintendent responsible for the administration of its policies, the execution of board decisions, the operation of internal machinery designed to serve the school program, and for keeping the board informed about school operations and problems.

Adopted Date: December 12, 2016

FILE: B-14 BOARD COMMITTEES

Board may authorize the establishment of committees from among its membership as it finds it necessary to study operations in specific areas and to make recommendations for board action. All committees will be appointed by the board chairman through a nomination process, or a board member may volunteer. The board chairman and the superintendent will serve as ex-officio members of all committees. The functions of committees will ordinarily be fact-finding, deliberative, and advisory, and their reports will be made to the board for discussion and action. All committee appointments will be for no longer than necessary to discharge the completion of their assignment.

Adopted Date: December 12, 2016

FILE: B-15 SCHOOL ATTORNEY

The board may appoint an attorney at its discretion to advise and represent the District. It will be the duty of the school attorney to advise the board and the superintendent on the specific legal problems submitted to him/her. He/she will attend meetings upon request and will be sufficiently familiar with board policies, practices, and actions under these policies and requirements of the school code of the state to enable him/her to offer the necessary legal advice.

Board members, the superintendent, and the business manager may contact the designated school attorney directly as reasonably needed. Other school district personnel may contact the school attorney only upon the superintendent's or board chairperson's prior approval.

Adopted Date: December 12, 2016

FILE: B-16 SCHOOL BOARD MEETINGS

Regular Meetings: All regular school board meetings will be held on the second Monday of each month unless otherwise designated at the annual organizational meeting of the board. The regular monthly school board meeting, however, may be rescheduled to another date due to holidays, conflicts with other school activities, inclement weather, or other valid reasons. The

time and place for all regular meetings will be set at the organizational meeting. Public notice shall be given by posting the proposed agenda on an outside window so the public has access and can view it at least twenty-four hours prior to the meeting. The agenda will also be posted on the school district's website and on Board Docs.

Special Meetings: Special meetings may be called by the president of the board, in his/her absence the vice-president, or a majority of the board members. Notice stating the time and place of any special meeting and the purpose for its call will be given to each board member and the superintendent by the business manager, either orally or in writing, in sufficient time to allow each member's presence. No business other than that stated on the notice will be transacted at a special meeting. Local news media that have requested notice will be notified of the special meeting prior to the meeting. The twenty-four (24) hour notice for special meetings shall be complied with to the extent circumstances permit.

Telephone conference call meetings, including executive meetings, may be conducted by a telephone conference call. Members shall be deemed present if they answer present to the roll call taken over the phone. Except for executive meetings held by teleconference, there shall be provided one or more places at which the public may listen to and participate in the meeting.

Subject to the following rules, any person may record, through audio or video technology, a school board meeting that is open to the public as long as the recording is reasonable, obvious, and not disruptive.

1. A person who wishes to audio or video record some or all of an official school board meeting must inform the school board president/chairperson or superintendent prior to the beginning of the meeting of the person's intent to record. At the beginning of the meeting, the school board president will then inform all persons present of the recording.
2. The quantity and type of recording equipment used shall be subject to the discretion of the school board, and the school board president/chairperson shall have the discretion to exclude or terminate recording of the meeting. This discretion is not to be exercised in an effort to restrict the public's right to be informed of school board meeting proceedings, but only where these rules have been violated.
3. Recording equipment must not produce distracting light or noise, and no artificial lighting device of any kind shall be employed with a video camera.
4. Recording equipment must not obstruct the vision of persons attending the school board meeting and their ability to see all school board members.
5. Any person violating the rules set forth above may be directed to cease the recording or leave the premises.

Meetings Open to the Public: All regular and special meetings of the board are open to the public unless the board is in executive session.

Adopted Date: December 12, 2016

Legal Reference: SDCL Ch. 1-25

FILE: B-17 EXECUTIVE SESSIONS

It is the board's belief that educational matters should be discussed and decisions should be made at meetings of the board to fulfill the rationale for the creation of public governing bodies. However, the board may properly discuss some matters in private session.

1. As permitted by law, an executive or closed meeting may be held for the sole purposes of: (A) discussing the qualifications, competence, performance, character, or fitness of any public officer or employee or prospective public officer or employee (the term "employee" does not include any independent contractor); (B) discussing the expulsion, suspension, discipline, assignment of or the educational program of a student; (C) consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation, consulting with legal counsel, or reviewing communications from legal counsel about contractual matters; (D) preparing for contract negotiations or negotiating with employees or employee representatives; (E) discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; and (F) consistent with SDCL 1-27-1.5(8) and (17), any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material, and similar matters.

All discussions will be considered confidential, but all official actions concerning the matters discussed will be made only at an open official meeting.

- a. An executive session may be held only upon a majority vote of the members of the board present and voting. The board has the sole authority to determine which person(s), if any, shall be allowed to be in executive session with the board.
 - b. A violation of this provision may result in the school board member(s) being found guilty of a Class 2 misdemeanor and may also subject the board to a public reprimand issued by the South Dakota Open Meetings Commission.
2. By the very nature of the matter discussed in closed/executive session, the matters discussed shall be kept confidential by the board and individual board members (and the administration, as agents of the board) unless and until allowed to be disclosed

publicly by the individual(s) to whom the discussion relates or unless and until authorized or required by law. It is therefore the policy of the board that the board and board members shall respect the right of privacy of District employees and students, and neither the board nor individual board members shall disclose nor convey confidential information regarding District employees or students, the knowledge of which was acquired during closed/executive sessions and except during closed/executive session, unless authorized or required by law to disclose the same.

Adopted Date: December 12, 2016, LEGAL REFS: SDCL 1-25-2

FILE: B-18 AGENDA FORMAT AND PARLIAMENTARY PROCEDURE

Policy Statement: In order for the McLaughlin School Board to conduct its meeting in an orderly and efficient manner, the McLaughlin School Board determined that it is appropriate to set forth the meeting agenda format and meeting protocol so that the same may be utilized.

The board shall use the following agenda format as a guideline for the meeting agenda and meeting; however, nothing within these guidelines prohibits the board from conducting a meeting in a sequence different than that in the following guidelines as the circumstances may warrant, provided such change in sequence is made at the time of agenda approval:

1. Call to order
2. Welcome Visitors
3. Pledge of Allegiance
4. Disclosures
5. Approval of Proposed Agenda
6. Approval of Consent Agenda
7. Reports
8. Old Business
9. New Business
10. Executive Session (SDCL 1-25-2), if necessary
11. Closing Items
12. Adjournment

The McLaughlin School Board shall utilize the latest version of Robert's Rules of Order for Parliamentary Procedure as the guide for conducting official meetings held by the board; however, in utilizing Robert's Rules of Order for Parliamentary Procedure, it is not intended nor is it required that there be strict compliance with Robert's Rules of Parliamentary Procedure.

The board president/chairperson shall make all decisions related to parliamentary procedure that may arise during the course of a meeting. Any board member may appeal the decision of the board president/chairperson to the full board (school board members present at the

meeting), and the board shall, by majority vote, decide the procedural issue or question pending before the board.

Adopted Date: December 12, 2016

FILE: B-19 PROPOSED AGENDA PREPARATION AND DISSEMINATION

The proposed and tentative agenda for all meetings of the board will be prepared by the superintendent in consultation with the board president. Any board member, staff member or citizen of the District may suggest items of business that must be approved by the board president and the superintendent. The agenda will allow time for the remarks of the public who wish to speak briefly before the board prior to the board conducting meeting business.

The board will follow the order of business as reflected in the proposed agenda unless the order is altered by a majority vote of the members present at the time the agenda is approved. Items of business not on the proposed/tentative agenda may be discussed and acted upon if a majority of the board members agree to add the item to the agenda at the time the meeting agenda is approved by the governing board.

The proposed/tentative agenda, together with supporting materials, will be distributed to board members at least seventy-two (72) hours prior to the board meeting to permit them to give items of business careful consideration.

The District shall provide notice of meeting and proposed agenda to the public as required in SDCL Ch. 1-25.

Adopted Date: December 12, 2016

FILE: B-20 QUORUM

A majority of the school board membership constitutes a quorum for the transaction of school business. The McLaughlin School Board is a five (5)-member board. Therefore, there must be three (3) members present (in person or via phone) to establish a quorum.

Adopted Date: December 12, 2016

FILE: B-21 VOTING METHODS

Votes on all motions and resolutions will be by "ayes" and "nays." No secret ballots will be used. At the discretion of the president, or on the request of a school board member, or as may

be required by law, a roll call vote will be made, and the vote of members will be recorded. All telephone conference calls will be a roll call vote. On a voice vote, any member may request that his vote be recorded. Any board action may be taken if it is approved by the majority of the members voting unless more than a majority is required by law with respect to such action (for example, SDCL 6-1-17 requires a two-thirds vote of all members of the school board).

Adopted Date: December 12, 2016

FILE: B-22 MINUTES

The minutes of the meetings of the board are the written permanent records of the school district. The business manager will keep minutes of all the official actions of the board. The minutes will include:

1. A record of all actions taken by the board, with the vote of each member recorded except in cases of unanimous votes.
2. Resolutions and motions in full. This will include a detailed statement of all expenditures of money with names of persons to whom payment is made and service rendered or goods furnished; a detailed statement of receipts and balance on hand; and expenditures and receipts of trust and agency funds.
3. A record of the disposition of all matters on which the board considered but did not act.
4. The salaries of teachers and other employees will be published after the July organizational meeting or when the salary agreement is completed.

Within twenty (20) days after a board meeting, minutes of the meeting will be published in the legal newspaper, as in accordance with law. The business manager will sign each legal publication submitted to the newspaper.

The board will approve the minutes of every meeting within forty-five (45) days after that meeting. The presiding officer and the business manager will sign the minutes of all regular and special meetings after approval by the board. Any change or correction in the minutes will be reflected in the minutes of the meeting at which the changes are made.

Following each annual school election, the school board, within sixty (60) days of the official canvas, shall include in the school board minutes the following information:

1. The number of registered voters of the school district on the date voter registration closes.
2. The number of registered voters of the school district who voted in the election.
3. The percentage of registered voters of the school district who voted in the election.

4. The date of the election and if the election was held in conjunction with a regular municipal election as provided in SDCL §13-7-10.1 or with the regular June primary as provided in SDCL §13-7-10.3.

All minutes will be open to inspection by the public during the regular office hours of the business manager.

Adopted Date: December 12, 2016

FILE: B-23 PUBLIC PARTICIPATION AT REGULAR BOARD MEETINGS

The school board invites and welcomes the public to attend its meetings to become better acquainted with the District's operations and programs. Therefore, school board meetings are open to the public, where the public may observe elected representatives conducting business. However, school board meetings are not "public meetings" where the public participates in the meeting after the public comment section.

The procedure for public participation at "regular" school board meetings is as follows:

1. Any individual or delegation (with one person being the spokesperson for the delegation) who desires to address the school board regarding an item, whether on the posted agenda or not, shall "sign-in" before the meeting being called to order. The school board shall provide a form to identify the meeting date, the name and address of the person wishing to address the school board, and the topic on which the person wishes to speak.
 - a. Persons having "signed in" shall be recognized by the school board during the public forum portion of the meeting. Persons will speak in the order they are signed in.
 - b. The school board will grant five minutes to each person to present comments to the school board.
 - c. Upon receiving a request for an extension of time from the speaker, the school board may grant an additional amount of time not to exceed five extra minutes upon a motion being made and passed by a majority of the school board members.
 - d. Should some persons wish to address the school board on the same agenda item, or should the comments become repetitive, the president of the school board may shorten the time for individual comments. This allows all persons wishing to address the school board to be heard and still enable the school board to conduct its business.
 - e. When an individual does not adhere to the rules established above, the school board vests in its president or another presiding officer authority to terminate the remarks of that individual.

Adopted Date: December 12, 2016

Updated: August 27, 2021

FILE: B-24 BOARD POLICY DEVELOPMENT

- A. Policy Philosophy: It is through development and adoption of development of policies and implementation and enforcement of those policies that there can be the efficient functioning of the school district. Written policies also serve as guides for discretionary actions of those to whom the board delegates discretionary authority and as a source of information and guidance for all persons who are interested in, and affected by, the District schools. Policies of the board shall be interpreted pursuant to state laws, regulations of the State Board of Education, and other applicable county, state, and federal regulations.
- B. Policy Development: Policy development is one of the board's chief functions. Proposals regarding school district policies and operations may originate at any of several sources: a parent, a student, a community resident, an employee, a member of the board, the superintendent, a consultant, or a civic group. A careful and orderly process will be used in examining such proposals prior to action upon them by the board. Final action on policy proposals will be by the board in accordance with this policy.
- C. Policy Adoption, Amendment or Rescission: Adoption of new policies, amending current policies or rescission of current policies is solely the responsibility of the board. Policies will be adopted, amended, or rescinded only by the affirmative vote of a majority of the members of the board present after consideration of such action has been scheduled on the agenda of a regular or special meeting. The board may defer adoption of a policy, amendment to a current policy or rescission of a current policy to a later date pending further study. Policies will be effective upon adoption by the board. Once adopted, policies of the board will be made available to the community, staff, and students.
- D. Suspension of Policy: Board policies may be suspended in case of emergency and only upon four board members voting to suspend one or more specifically identified policies. The motion to suspend a policy must include the reason(s) for the proposed action. To the extent possible under the circumstances and in compliance with SDCL 1-25, public notice of the proposed action shall be given. Nothing within this provision authorizes the board to suspend a policy if the effect of the suspension of policy is contrary to law.
- E. Absence of Board Policy: In the absence of board policy specifically covering any action that the superintendent feels he/she must take for the orderly execution of his/her duties and efficient operation of the school district, the superintendent may take action that is in harmony and consistent with existing board policy. In each case in which the superintendent takes such action, the superintendent will present the matter to the board for its review and consideration at its next meeting. Nothing within this provision, however, authorizes the superintendent to take such action when the action involves a duty of the board that by law cannot be delegated or is contrary to law.

- F. Policy Review: The board will review its policies on a continuing basis. Each policy shall be reviewed at least every three years, and the date of review and/or amendments for each policy or date of policy adoption shall be noted on the policy. The superintendent and school board president shall have the responsibility of ensuring compliance with this provision. The superintendent shall be responsible for advising the board regarding policies that are out of date or for other reason appear to need revision.

Adopted Date: December 12, 2016

FILE: B-25 NEW BOARD MEMBER ORIENTATION

Goal: Roles and Responsibilities. The board and superintendent will set up an orientation for new board members before the July meeting. This will include a review of the policy manual, the budgeting process, and projects and other information which would be helpful to a new board member.

Immediately following the June election, the superintendent will contact any newly elected members of the board and arrange for a meeting with her/him to do the following:

1. Tour the building of the school.
 - a. Discuss plans for maintenance, repair, and additions for the present year.
 - b. Discuss future plans for the buildings.
2. Present and discuss the Board Policy Book with special emphasis placed on Section B: School Board Governance and Operations.
3. Review the Budgeting Process with the business manager.
 - a. Revenues: Local, State, and Federal
 - b. Expenditures
 - c. Special Programs: Pre-School, Chapter I, Special Education
 - d. Other

Adopted Date: December 12, 2016

FILE: B-26 BOARD MEMBER DEVELOPMENT OPPORTUNITIES

Board members will be encouraged to participate in meetings and activities of area, state, and national school boards associations, and of other educational groups, and to study and examine the materials received from these organizations.

Upon board approval, travel and convention expenses will be provided to individual members within budgetary limitations to advance their development as school board members.

To help members develop understanding of the educational program, the superintendent will request members of the professional staff to appear before the board from time to time to present and discuss new developments in various areas of curriculum and instruction.

Adopted Date: December 12, 2016

FILE: B-27 BOARD MEMBER COMPENSATION AND EXPENSES

The board will vote at the annual organizational meeting to set the stipend rate of compensation for board members as stipend only for each meeting attended. Board members will receive a per diem travel and meal allowance as authorized by the board.

Adopted Date: December 12, 2016

FILE: B-28 SCHOOL BOARD MEMBERSHIPS

The board will maintain membership in the Associated School Board of South Dakota and in other state, regional and national educational organizations as may be authorized by the board, for the benefits that can be derived for the District. These materials and other benefits of institutional memberships will be distributed and used to the best advantage of the District.

Adopted Date: December 12, 2016

FILE: B-29 EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

The board will review its performance annually to ensure its proper discharge of responsibilities to the community. Evaluation will be based on a positive approach, which will indicate the strengths of the board and the areas of needed improvement. The evaluation should meet local needs and provide for objective examination. The evaluation will be held at a scheduled time and place in accordance with SDCL 1-25 open meetings laws, and all board members must be present at the time of the evaluation. The board will develop both short- and long-range priorities to ensure continued proficiency in its areas of excellence, strengthening of adequate or weak areas, and elimination of those areas no longer applicable to its performance.

Adopted Date: December 12, 2016

SECTION C: GENERAL SCHOOL ADMINISTRATION

FILE: C-1 ADMINISTRATION GOAL

The purpose of school administration is to help create and foster an environment in which pupils and functions will be appraised in terms of the contributions that they make to better instruction and to higher student motivation and achievement.

The board will rely on its chief executive officer, the superintendent of schools, to provide the professional administrative leadership that such a goal demands.

The design of the administrative organization will be such that all schools are part of a single system subject to the policies set forth by the board and implemented through a single chief administrator, the superintendent. Within District policies and regulations, principals will be responsible and accountable for the administration of their respective schools.

Major goals of administration in the District will be:

1. To manage the District's various units and programs effectively.
2. To provide professional advice and counsel to the board and to any advisory groups established by board action.
3. To implement the management function through a team management approach so as to assure the best and most effective learning programs through achieving such sub-goals as:
 - a. Providing leadership in keeping abreast of current educational developments;
 - b. Arranging for the staff development necessary for the establishment and operation of learning programs that better meet more learner needs;
 - c. Coordinating cooperative efforts at improvement of learning programs, facilities, equipment, and materials; and
 - d. Providing access to the decision-making process for the ideas of staff, students, parents, and others.

Adopted Date: April 10, 2017

FILE: C-2 JOB DESCRIPTION OF THE SUPERINTENDENT/CHIEF EXECUTIVE OFFICER (CEO)

TITLE: Superintendent

**QUALIFICATIONS: PhD preferred, Masters Degree acceptable
 SD Teaching Certificate with proper Administrative Endorsements**

SUPERVISOR/REPORT TO: Board of Education

DUTIES AND RESPONSIBILITIES:

The superintendent is the executive officer of the board of education and shall be responsible to the board for the execution of its policies and observances of its rules. The superintendent shall:

1. Attend all board meetings, except at the request of the board when consideration is given to his/her own employment or other issues as identified by the board.
2. Be responsible for developing a comprehensive program of education for the McLaughlin District working with principals and other staff.
3. Develop a school philosophy with staff which shall include emphasis on character education, American ideals, and institutions, vocational as well as academic offerings, and fundamentals in the learning process – all integrated with generally approved and accepted educational practices and procedures.
4. Be allowed attendance at one national convention per year, or similar in scope, which shall be authorized through inclusion in budget expenditures to include NIISA, NAFIS, SDASD). Such plans for attendance must be confirmed by the board. Travel allowances for in-state meetings shall be determined by state rates. Out-of-state travel shall be actual expenses unless stipulated otherwise by the board of education.
5. Notify the president of the board in advance of the need to be out of town if the stay is for a period of more than two days.
6. Make recommendations for all appointments, promotions, and dismissals, including administrative, certified, and classified personnel, for consideration by the board.
7. Recommend for the board's consideration changes in the salary and wage schedules for regular and substitute employees as well as changes in work schedule.
8. Study and recommend to the board attendance areas for the schools.
9. Make recommendations to the board relative to purchasing equipment and supplies, building alterations, and any other such matters that may be vital in the successful operation of the school.
10. Maintain complete records and reports as may be required by supervisory agencies.
11. Report to the board on the qualifications and efficiency of any and all employees as may be requested by the board.
12. Communicate all directories of the board affecting employees, pupils, and parents.
13. Compile reports on any and all phases of the educational program as desired by the board.

14. With the aid of the principal and business manager, apply for any state or federal funds available to the district and approved by the board.
15. Be responsible for all purchases made by the District ensuring that all purchases are made within the limits of the law.
16. Recommend dismissal of a teacher only after careful investigation and with recommendation from elementary or secondary principals. It should be made with reliable evidence of a teacher's unworthiness or inefficiency as prescribed in the negotiated agreement.
17. Keep abreast of current educational trends by attendance at periodic workshops and/or summer school attendance. Such attendance must be confirmed by the board.
18. Attend professional and other meetings, conferences, or conventions within the state, considered as an obligation as well as a necessity on the part of the superintendent in his/her administrative capacity. Provision for expenses for such attendance shall be included in the budget.
19. Maintain a record of inventory of school equipment.
20. Survey all buildings annually and make recommendations to the board for summer maintenance.
21. Appoint one custodian to be in general charge of summer maintenance and present to all custodians a report of all work to be done during the summer in their building.
22. Arrange office hours as may be necessary for the successful administration of the schools and the convenience of the public per the contracted agreement.
23. Close school due to inclement weather conditions when, in own judgment, it is deemed advisable for welfare of the students.
24. Maintain a school calendar and all activities scheduled from own calendar to coordinate the activities of the various groups and to eliminate as many conflicts as possible.
25. Be proficient in Microsoft Office and use up-to-date technology to support instruction, including promethean board use and other electronic devices for assessment and content.
26. Perform other duties as assigned.

Adopted Date: April 10, 2017

FILE: C-3 EVALUATION OF THE SUPERINTENDENT/CHIEF EXECUTIVE OFFICER (CEO)

Evaluation of a superintendent's performance is one of the school board's most important responsibilities. At the most basic level, an evaluation helps the board make informed employment decisions. Done correctly, an evaluation is a useful governance tool that helps drive school improvement. In fact, a high-quality evaluation process helps develop positive board-superintendent relationships, clarifies leadership roles, creates common understanding, and provides a mechanism for public accountability. To achieve the most from your district's evaluation process, the school board and superintendent need to arrive at a mutual understanding of expected performance and acceptable evidence that demonstrates that

performance. It is also important to keep in mind that evaluations are most effective when they are designed and used for communicating future expectations, not simply for reviewing past performance.

The Superintendent/Chief Executive Officer (CEO) will be evaluated following the ASBSD Standards-based Superintendent Evaluation pursuant to the evaluation timeline. The superintendent's performance will be reviewed annually by the board. Through this process, the board will strive to accomplish the following:

1. Clarify for the superintendent his role in the school district as seen by the board.
2. Clarify for all board members the role of the superintendent in light of his job description and the immediate priorities among his responsibilities as agreed upon by the board and the superintendent.
3. Develop harmonious working relationships between the board and superintendent.
4. Provide administrative leadership of excellence for the school district.

The criteria for the Superintendent Evaluation as established in Board Policy shall be used for evaluating the performance of the superintendent. Each school Board member shall individually evaluate the superintendent and the individual school Board member evaluations shall be averaged for an overall evaluation rating. Each Board member will provide their individual evaluation to the board president for him/her to compile the evaluation rating. Board consensus of the superintendent's abilities and performance will be put in writing, made available to him, and discussed with him in an executive session. The evaluation will be used to improve the quality of administration and to determine future employment.

Timeline for Superintendent Evaluation

Summer/Early Fall

Board and superintendent review superintendent job description and evaluation process, forms, indicators, timelines, and possible supporting documents, information, and data to be used to measure performance.

Board president and superintendent review evaluation process and forms with the new board members following the election.

Quarterly/Early Winter

Superintendent makes interim progress reports to the board on standards.

Mid-Winter

Superintendent may complete a self-assessment with supporting documents to be provided to the board.

Individual board members complete evaluation forms and turn in to the board president prior to the board's evaluation session.

Board members meet to discuss their evaluations and develop the board's official written document(s) that will be shared with the superintendent following the meeting.

The board's official evaluation document(s) is shared, clarified, and discussed with the superintendent at a board meeting during executive session. Changes to the evaluation may be made as a result of the discussions.

A copy of the final written evaluation form is placed in the superintendent's personnel file.

Spring/Summer

Superintendent makes interim progress reports to the board on standards.

Summer/Early Fall

Return to the beginning of the cycle.

McLaughlin School District #15-2

Superintendent Evaluation

Name: _____ **Job/Position:** Superintendent

Observer Name: _____ **Date:** _____ **Building:** Business Office

Mark in the appropriate box:	1 Poor	2 Needs Improvement	3 Satisfactory	4 Proficient	5 Exemplary
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Performance Area	1	2	3	4	5	Supporting Evidence and Comments
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Standard 1: Shared Vision						
Indicators	Develops and implements district-wide vision, mission and goals.					
	Creates and implements plans to achieve goals.					
	Promotes continuous and sustainable improvement.					
	Monitors and evaluates progress and revises plans.					

Standard 2: Culture of Learning						
Indicators	Nurtures and sustains a culture of collaboration, trust, learning, and high expectations.					
	Monitors and evaluates a rigorous and coherent district-wide curricular program.					
	Uses data to monitor the assessment and accountability systems to assure student progress.					
	Develops the instructional and leadership capacity of staff through quality professional development.					
	Promotes the use of the most effective and appropriate technologies to support teaching and learning.					

Standard 3: Leadership and Management						
Indicators	Effectively manages district budget, facilities and operations.					
	Obtains, allocates, aligns, and efficiently utilizes human, fiscal, and technological resources.					
	Promotes and protects the welfare and safety of students and staff.					
	Develops leadership capacity throughout the district's staff.					
	Ensures teacher and organizational time is focused to support quality instruction and student learning.					

Standard 4: Family and Community						
Indicators	Collects and analyzes data and information pertinent to the educational environment.					
	Promotes understanding, appreciation, and uses of the community's various resources.					
	Builds and sustains positive relationships with families and caregivers.					
	Builds and sustains productive relationships with community partners.					

Standard 5: Ethics						
Indicators	Conducts oneself in an ethical, fair, trustworthy and professional manner.					
	Establishes practices to promote personal, physical and emotional health.					
	Demonstrates respect for diversity in students, staff and programs.					
	Considers and evaluates the potential moral and legal consequences of decision-making.					

Standard 6: Societal Context						
Indicators	Advocates for children, families and caregivers.					
	Serves as an advocate to community and legislature for issues beneficial to improved teaching and learning.					
	Provides leadership for defining superintendent and board roles, mutual expectations and formulating appropriate district policies.					
	Knows and supports the district school improvement plan and accurately reports progress on goals.					

The signature of the employee indicates that they have received a copy of this report and that the report has been read and discussed. It *does not* necessarily indicate agreement with the report or any included comments or recommendations.

Staff Signature: _____	Date: _____
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Observer Signature:	Date:
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Adopted Date: April 10, 2017

FILE: C-4 PRINCIPALS

Qualifications

1. Have a master's degree from an accredited institution with a major in school administration. The principal is required to hold the administrative certificate issued by the South Dakota Department of Education.
2. Principals shall have the general qualifications of a teacher in the state and have a bachelor's degree in the field of elementary education and a master's degree at the educational level for which he or she is serving as principal.

Duties of Principals

1. Shall be responsible to the superintendent of schools for all organization, administration, and supervision within his building.
2. Shall keep the superintendent completely and continuously informed as to the condition of the school and its activities therein.
3. Shall, work cooperatively with the teaching staff for the best interest of the children.
4. Shall be responsible for assisting the development of the curriculum and in planning and adapting the course of study to the needs and interest of the students, subject to the approval of the superintendent and the board.
5. Shall be responsible for the health and safety of the students and the teachers.
6. Shall be responsible for maintaining good public relations with the community and for utilizing fully the community resources to enrich the learning experience.
7. Shall be responsible for the requisitioning of supplies, textbooks, and all materials necessary to the operation of the school through the office of the superintendent.
8. Shall be responsible for the classification, promotion, or retention of students within the building according to the adopted board policy on promotion or retention.
9. Shall be responsible for the following:
 - a. Fire drills
 - b. School enterprises and activities
 - c. Staff meetings
 - d. School exhibits
 - e. Organizing playgrounds
 - f. Noon hours
 - g. Lunchroom

10. Shall oversee the attendance, conduct, and health of the pupils while in school.
11. Shall perform such other duties as may be assigned by the superintendent.
12. Shall be directly responsible to the superintendent.
13. Shall be responsible for the administration of the building or departments, as the case may be, and enforce the rules of the board and shall have the authority to call upon all certificated and non-certificated personnel to this end.
14. Shall meet with the superintendent for conferences as often as the superintendent may require; keep accurate and complete records; delegate authority; participate in curriculum studies; and be tactful in relations with parents and the public.
15. Shall establish rules for providing proper order in the building as may be agreed upon in consultation with the superintendent.
16. Shall be fully responsible for decisions made in his respective building and department.
17. To be present in the building at least thirty minutes prior to the beginning of the first scheduled class period and at least thirty minutes after the last regular scheduled class period.
18. Does not have the authority to dismiss school before the regular hour without the approval of the superintendent.
19. Shall consider it an important phase of his/her work to promote health and safety education and to conform to regulations of the state fire marshal. The principal, along with the superintendent, will conduct fire drills in accordance with state laws.
20. Shall have the authority to excuse any pupil on written request by parents if he deems it advisable.
21. Shall not permit removal of school furniture or equipment from the building for private use except with the approval of the superintendent and the board.
22. Shall examine all class records and registers, given such directions will ensure their being kept in the proper place. All class records should be kept in the superintendent's office at the close of the term. Records of teachers must be filed with the superintendent as requested.
23. Shall not permit any of the time of teachers or that of the school to be occupied while at the school by agents or solicitors.

24. Shall be responsible for supervision of the teachers under his/her jurisdiction and shall submit all information to the superintendent relative to achievement, performance, and fitness for position held. Observation file is confidential among teachers, principals, and the superintendent.
25. Will submit eligibility list to the SDHSAA.
26. Shall be responsible for student discipline.
27. Shall hold the number of entertainments, parties, and so forth to a minimum.
28. Subject to the approval of the superintendent, shall designate one person in each building who is employed in the building to act in his/her behalf when the principal, through business or illness, must be absent from the school.
29. Shall attend local, state, and national professional meetings at the request of the superintendent and/or the board.
30. Has the responsibility for student activities.
31. Shall be the acting Chief Executive Officer (CEO) during a temporary absence of the superintendent unless the board specifically authorizes through formal board action a different person to act as temporary CEO during the absence of the superintendent.

Adopted Date: November 26, 2012

FILE: C-5 EVALUATION OF PRINCIPALS

Principals shall be evaluated once each semester by the superintendent during the first three years of employment. Thereafter, the principal's performance will be evaluated annually.

Adopted Date: November 26, 2012

FILE: C-5

BUSINESS MANAGER JOB DESCRIPTION

QUALIFICATIONS: Business or accounting degree and/or five years previous accounting equivalence. The Board of Education reserves the right to deviate from these qualifications.

REPORTS TO: School Board and Superintendent

EVALUATION: Performance will be evaluated by the school board and the superintendent.

TERMS OF EMPLOYMENT: Salary and work year to be established by the Board.

GOAL: The goal of the Business Manager is to provide the most efficient services to support the educational of the school district and administer the business affairs of the school district to provide the best possible educational services with the financial resources available.

PERFORMANCE RESPONSIBILITIES:

1. Plan, organize, administer, and direct the operations of the district's Business Office to ensure efficient and cost-effective operations.
2. Direct the development of board policies related to the financial operations and business functions.
3. Prepare and administer budgets.
4. Submit state and federal financial reports.
5. Oversee and provide accurate open enrollment numbers in conjunction with Business Office staff.
6. Implement, monitor, and develop cash management programs that adhere to legal and responsible procedures adopted by the Board of Education and required by state/federal law.
7. Develop and direct effective purchasing strategies and purchasing Monitor payroll management in conjunction with payroll staff.
8. Coordinate and manage all matters related to the internal and external auditing of district finances.
9. Assist in operations of maintenance, food service and transportation services.
10. Assist in Human Resource functions.
11. Provide Board of Education, district administrator, community members, administrators and district staff with the best information possible to be educated on matters related to the Business Office.
12. Attend all Board of Education meetings and provide expertise related to the financial operations of the district.
13. Supervise the payroll function for the district to include employee benefits, state and federal tax deposits, workers' compensation insurance and other related activities.
14. Supervise the review, coding, and preparation of the bills for approval at board meetings.
15. Supervise the collection, safe keeping, and distribution of all funds, making investments and deposits into the appropriate checking and savings accounts approved by the board; reconcile cash accounts and report to the board monthly.

16. Assist with the budget development, preparation, and submission; and provides the board with periodic performance reports. Prepare, approve, and monitor purchase orders in compliance with board policy and approve the budget.
17. Supervise all cash funds and federal programs, including but not limited to food service and grants, in compliance with state and district policies, including timely required reporting.
18. Collect information and assist the superintendent and board with contract negotiations.
19. Conduct bidding procedures, when necessary, in compliance with school district policy and state law.
20. Maintain records and inventory related to fixed assets and real estate with adequate collateral and liability insurance; report claims to insurer(s) in a timely manner.
21. Prepare and distribute the agenda and other appropriate communications to board members in advance of the regularly scheduled meetings.
22. Attend and participate in board meetings, maintain an accurate record of the action and participants; sign and publish proceedings of the board consistent with the laws pertaining to the official publication of the minutes of board action.
23. Prepare the District annual report to be submitted to the state superintendent.
24. Arrange for and assist with auditing of all school district accounts and programs.
25. Conduct school district elections as prescribed by state law.
26. Represent the school district professionally in local, regional, state, and national affiliation and participation.
27. Cooperate with all departments for effective and efficient results.
28. Perform other duties as the board may require which will assist the superintendent and board in financial matters of the District.

Adopted Date: September 13, 2021

Legal References: SDCL 13-8-18 (Amount of business manager's bond)
 SDCL 13-8-19 (Approval and filing of bonds)
 SDCL 13-8-34 (Approval and signing of minutes of school board)
 SDCL 13-8-35 (Publication of minutes of board – Contents – Changes after publication. Business manager to sign)
 SDCL 13-8-43 (Records of business manager open to public inspection)
 SDCL 13-8-44 (Destruction, falsification, or failure to deliver records as misdemeanor)
 SDCL 13-8-47 (Annual Report to department)

FILE: C-6 BUSINESS MANAGER EVALUATION

To assure a high quality of business manager performance, a continuous program for business manager evaluations will be utilized.

The business manager will be evaluated, at a minimum, on an annual basis.

Evaluations shall provide feedback to the business manager, noting strengths, as well as areas needing improvement.

The evaluation criteria will include, but is not limited to, the following components:

1. Supervision of the payroll function for the District to include employee benefits, state and federal tax deposits, workers' compensation insurance, and other related activities
2. Review, code, and sign bills prepared for approval at the monthly board meeting
3. Supervision of the collection, safekeeping, and distribution of all funds, making investments and deposits into the appropriate checking and savings accounts approved by the board, and reconciliation of cash accounts
4. Budget development, preparation, and submission and providing the Board with periodic performance reports
5. Supervision of all cash funds and federal programs including Chapter I, Chapter II, food service, and various grants in compliance with state and district policies, including timely required reporting
6. Collection of information and assisting the board with contract negotiations
7. Following bidding procedures and representing the district by signing contracts and agreements as authorized by the board and in compliance with school district policy and state laws
8. Maintaining records and inventory related to fixed assets and real estate with adequate collateral and liability insurance
9. Attendance and participation in all board meetings, maintaining an accurate record of the actions and participants, and publishing the minutes and notices in the designated district paper
10. Preparation of the District annual report to be submitted to state education department
11. Arranging for and assisting with auditing of all school district accounts and programs
12. Administration and conducting school district elections as prescribed by state law
13. Representation of the school district professionally in local, regional, state, and national affiliation and participation
14. Cooperation with all departments for effective and efficient results
15. Performing duties which will assist the superintendent, board, and standing committees in financial and business matters of the District in compliance with local policy and state laws
16. Prepare, approve, and monitor purchase orders in compliance with board policy and approved budget
17. Provide monthly reports to the board and as otherwise requested by the board
18. Working knowledge of areas of responsibility

19. Professional growth
20. Judgment, logical thinking, creativity, and imagination
21. Fulfillment of assigned responsibility without neglecting some areas
22. Adherence to policies of the Board of Education as well as law
23. Fulfill, to the extent applicable with the position, responsibilities related to scheduling, contracting, curriculum/program/project development and implementation
24. Staff relations
25. Student relations
26. Community relations
27. Communication skills
28. Adjusting to unplanned situations

The board and superintendent shall be responsible for evaluating the business manager.

The formal evaluation will be written and will be discussed by the board, superintendent, and the business manager. Copies of the written document will be signed and dated by all parties and incorporated into the personnel files of the business manager. The signature of the business manager does not indicate approval or disapproval of the evaluation but that the evaluation has been read and discussed.

The written evaluation should be specific in terms of a person's strengths and weaknesses. Those areas where improvement is needed should be clearly set forth, and recommendations for improvement should be made.

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

Adopted Date: September 13, 2021

Legal References: SDCL 1-25-2(1) (Discussing the qualifications, competence, performance, character, or fitness of any public employee)
SDCL 13-42-70 (Evaluation records and documents not open to inspection or copying)

FILE: C-7 APPROVAL OF HANDBOOKS

To make pertinent board policies, district regulations and departmental and/or school rules and procedures known to all staff members and students, District Administrators and principals are granted authority to issue staff and student handbooks as found necessary and desirable.

It is essential that the contents of all handbooks conform to district-wide policies and regulations. Handbooks must be approved by the board. Prior to the commencement of each

academic year, all handbooks will be presented to the board for approval and adoption. Once adopted, the handbooks will have the same force of law as school district policies.

Handbooks published specifically for a particular group of employees will be distributed to all affected employees.

Handbooks published particularly for the students will be distributed to all students.

Adopted Date: September 13, 2021

FILE: C-8 ADMINISTRATION IN POLICY ABSENCE

In the absence of board policy specifically covering any action that the superintendent determines must be taken for orderly administration, the superintendent may take temporary action that is believed to be in harmony with the overall policy of the board. However, the superintendent will not be free to act when the action involves a duty of the board that by law cannot be delegated.

In each case in which the superintendent must take such action, it will be presented to the board for consideration at its next meeting.

Adopted Date: September 13, 2021

SECTION D: FISCAL MANAGEMENT

FILE: D-1 ANNUAL BUDGET

Under law, the District is required to adopt an annual budget setting forth revenues and expenditures. This annual school budget is the financial outline of the District's educational plan; it is also the legal basis for the establishment of tax levies to support public education within the District.

Public school budgeting is also regulated and controlled by legislation, state regulations, and local board requirements. The annual operating budget for the schools will be prepared and presented in line with state policy and will be developed and refined in accordance with these same requirements. The school district budget will be prepared by the business manager and superintendent and be presented to the board for review. The business manager will establish a timeline for the preparation of the budget.

Adopted Date: April 10, 2017

FILE: D-2 BUDGET DEADLINES AND SCHEDULES

Preparation of the annual budget will be scheduled in stages throughout the school year with attention to certain deadlines established by law and board policy. The following will serve as a guideline in the scheduling of the budget:

- January – Budget preparation begins.
- March – Deadline for employee requisitions for following school year
- May – The proposed amended budget for the next fiscal year will be considered at the regular board meeting.
- July 15 – Deadline for publishing proposed budget and notice of hearing in the official newspaper
- July 31 – Deadline for budget hearing
- September 30 – Deadline for board approval of budget for the anticipated obligations of each fund (except Trust and Agency) for the fiscal year. By resolution, the school board will adopt a levy in dollars or dollars per thousand of taxable valuation sufficient to meet the school budget for each fund.
- September 30 – Deadline for reporting to the county auditor the levy in dollars or dollars per thousand of taxable valuation adopted by the board, on the forms prescribed by the county auditor
- October 1 – Deadline for submission of amended budget

In accordance with law, any changes in the proposed budget incorporated into the final budget, will be published in the minutes within thirty (30) days after the final adoption of the budget.

Adopted Date: April 10, 2017

Legal References: SDCL 13-11-2; 13-11-2.1; 13-11-3; 13-11-3.1

FILE: D-3 BUDGET PLANNING

Budget planning for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement all programs and activities of the school system.

The school board, superintendent, and business manager will have overall responsibility for budget preparation, including the construction of, and adherence to, a budget calendar. The business manager will assist the school board and superintendent in the preparation of and adherence to the budget.

Principals and department heads will develop and submit budget requests for their particular schools after seeking the advice and suggestions of staff members. The budget request will

reflect the principal's judgment as to the most effective way to use resources in achieving progress toward educational objectives of the school.

The board will give careful consideration to budget requests and review allocations for financial responsibility and consistency with educational priorities of the school system.

Adopted Date: April 10, 2017

FILE: D-4 BUDGET ADOPTION

Adoption of the budget is solely the responsibility of the board. The board will adopt the budget following the public hearing for the proposed budget. The proposed budget will be published in the official newspaper at the time notice of the budget hearing is given. If, as a result of the public hearing, it should be determined that certain changes in the budget are necessary, these changes will be made before the budget is adopted. Adoption of the budget by the board will be by roll call vote. Following the adoption of the budget by the board, the tax levy in dollars will be reported to the county auditor on the appropriate forms.

Adopted Date: April 10, 2017

FILE: D-5 BUDGET CONTROL

The District budget serves as the control to direct and limit expenditures. Overall responsibility for this control rests with the superintendent, who will establish procedures for budget control and reporting throughout the District. The superintendent is authorized to spend money called for in the budget classification without further approval of the board. School board approval must be secured to expend money in excess of major budget classifications.

Adopted Date: April 10, 2017

FILE: D-6 TRANSFER OF FUNDS

Transfer of surplus funds among the major classifications of the budget or within a major classification of the budget will be subject to board approval. In accordance with law, funds may not be transferred from the Capital Outlay Fund or the Special Education Fund. However, any unused portion of money that has been transferred into the Special Education Fund may be transferred from the Special Education Fund within the current fiscal year to the fund from which it originated. Contingency funds may be transferred to any budget category, except Capital Outlay, with board approval. The District shall not transfer any funds, exclusive of federal funds, from the General Fund to the Capital Outlay Fund, Bond Redemption Fund, or

the Capital Projects Fund. All or any part of any school district fund may be loaned to any other school district fund for a term not to exceed twenty-four months.

Adopted Date: April 10, 2017

FILE: D-7 REVENUE FROM INVESTMENTS

School district funds not in use may be invested in savings accounts, time deposits, or in bonds or securities issued and guaranteed by the United States government. Interest earned on such investments will be credited to the fund determined at the annual reorganization meeting in July of each year. The board will approve the investment of all funds at the July meeting, and this approval will be filed and recorded by the business manager.

Adopted Date: April 10, 2017

FILE: D-8 AUTHORIZED SIGNATURES

The business manager will draw and sign all checks or warrants for the payment of verified vouchers approved for payment by the board. Every check or warrant will be countersigned by the president or any member designated by the board. The check or warrant will specify the person, firm, or corporation to whom paid.

No check or warrant will be drawn by the business manager except for the indebtedness incurred prior to its issue and upon the presentation of an itemized invoice or voucher duly verified. The invoice and verification will be retained by the business manager and placed on file in the business manager's office.

Adopted Date: April 10, 2017

FILE: D-9 FINANCIAL REPORTS AND STATEMENTS

It will be the responsibility of the business manager to prepare monthly financial reports for the board's review. Reports will include budget, trust or agency funds, and special accounts. At the close of the fiscal year, the business manager will report to the county auditor the total indebtedness of the District, the purpose for which issued, the liabilities, assets, resources and expenditures, and the total receipts and disbursements.

Adopted Date: April 10, 2017

FILE: D-10 INVENTORIES

The school district shall annually cause an inventory of personal property, other than money, credits, accounts, securities, or real property that is movable, has an expected useful life exceeding one year, and has an initial purchase cost in excess of five thousand dollars (\$5,000), to be made and placed on file with the business manager by July 10. Personal property shall be included in the inventory as required by SDCL 5-24 and the rules issued by the commissioner of the Bureau of Administration.

General fixed assets are divided into five main classes: land, buildings, improvements other than buildings, equipment, and construction work in progress. Fixed assets shall be marked by a permanent method of identification. Personnel designated by the superintendent shall take periodic inventories.

Adopted Date: April 10, 2017

Legal References: SDCL 5-24-1, 5-24-3, 13-16-6. ARSD 10:02:01:01

FILE: D-11 AUDITS

For any necessary reason, an audit of the books of any school district may be called at any time for the board or the electors of the District by petition signed by twenty percent (20%) of the resident taxpayers of the District as shown by the assessment roles of the preceding year, or the auditor general.

The school district shall have financial and compliance audits performed every year. The audits may be done by the Department of Legislative Audit or by a private firm authorized by law to audit financial records of school districts. Trust and agency funds shall be audited as part of the regular audit of the school district.

Adopted Date: April 10, 2017

Legal References: SDCL 4-11-5; 4-11-7.1; 4-11-7.2; 4-11-9; 4-11-12 through 13-16-28

FILE: D-12 PURCHASING

The function of purchasing is to serve the educational program by providing the necessary supplies, equipment, and services. The board declares its intention to purchase supplies and equipment competitively as required by applicable laws and without prejudice and to seek maximum educational value for every dollar expended. The board will abide by the letter and the spirit of all laws and regulations relating to purchases by the school district and the control

of its finances and property. The board must approve all contracts to be binding on the school district.

Within the framework of applicable laws and regulations, purchases and use of materials and services will be made in accordance with good business practices with the primary purpose of serving the instructional program.

The business manager will serve as the purchasing agent. He/She will develop and administer the purchasing program for the schools with the assistance of the superintendent within the legal requirements and the adopted school budget.

School purchases will be made only on official purchase orders approved for issuance by the appropriate person and signed by the business manager, except as may be required for emergency purchases and those made with petty cash funds.

In the acquisition of or additions to real property, plant, or equipment, any expenditure of one thousand dollars (\$1,000) or more shall be paid from the Capital Outlay Fund as required by SDCL 13-16-6. The one thousand dollars (\$1,000) limitation shall apply to the total of each asset type on an invoice.

Equipment purchases per invoice of less than one thousand dollars (\$1,000) may be acquired from either the general or capital outlay fund.

Every contract made or check or registered warrant issued in excess of the issuing capacity of the District as restricted in this title is void and is not an obligation of the District. A school board member who makes or participates in making or authorizes the making of a void contract or the issuance of a void check or registered warrant is individually liable for it. Each school board member present when a void contract or warrant is made or authorized is party to the making or authorizing of the void contract or warrant unless he dissents from the action and causes his dissent to be entered as part of the official minutes of the school district.

Adopted Date: April 10, 2017

Legal References: SDCL 13-16-24; 13-20-1; 13-20-3

FILE: D-13 PURCHASING PROCEDURES

All materials to be ordered by the school district staff, whether for local or out-of-town orders, must be requisitioned through the superintendent's office or business office for processing by the business office. The business office will maintain a central record system for the purpose of combining orders, avoiding duplication of purchases, taking full advantage of lowered prices for bulk purchasing, following up on delayed orders of delivery, and reconciling deliveries to orders before payment is made. This delivery control will be applied to all purchases, regardless of

point of delivery. Principals and department heads will examine carefully all requisitions submitted by teachers, custodians and other employees for supplies, equipment, and services. They will be responsible for verifying that items requested are needed and funds are available through the budget before signing the requisition and sending it to the business manager. All orders must include the name and address of the supplier as well as the purchase price. If the exact price is unavailable, an estimate of the cost should be given. If any person orders materials other than through the superintendent's office or business office, that person will be responsible for their payment.

Adopted Date: April 10, 2017

FILE: D-14 PAYMENT PROCEDURES

All claims for payment from district funds will be processed by the business manager. Payment will be authorized against invoices properly supported by approved purchase orders, against properly submitted vouchers, or in accordance with salaries and salary schedules set by the board. Lists of accounts payable, including payroll lists, will be certified by the superintendent and approved by the board. Each registered warrant will be signed by the board president and the business manager will sign the endorsement statement. Actual invoices, statements, and vouchers will be available for board inspection.

The business manager will assume responsibility for assuring that budget allocations are observed and that total expenditures do not exceed the function amount allocated in the budget for all items.

The principals and department heads will be responsible for observing budget allocations in their respective schools. Each will also serve as custodian of the activity accounts in his respective school and will be responsible for their proper handling and expenditures.

Adopted Date: April 10, 2017

FILE: D-15 SALARY DEDUCTIONS

Deductions will be made from the paychecks of all employees for federal income tax, for South Dakota Retirement System (SDRS), if eligible, and for OASI (Social Security). In addition, the board authorizes the following types of deductions from employee salaries, provided the employee has filed the proper permission or payroll withholding:

1. Employee contributions to the health and life insurance programs and any other similar programs that are approved by the board.
2. Deductions for tax-sheltered annuity programs.

Adopted Date: April 10, 2017

Legal References: SDCL 3-10-1 et seq.; 3-11-1 et seq.; 3-12-46 et seq.

FILE: D-16 EXPENSE REIMBURSEMENTS

Personnel and officials who incur expenses in carrying out their authorized duties will be reimbursed by the District upon submission of a properly filled out and approved voucher accompanied by such supporting receipts as required by the business manager. Reimbursement will be in accordance with board policy. When official travel by a personally owned vehicle has been authorized, mileage payment will be made at the rate currently approved by the board.

Adopted Date: April 10, 2017

FILE: D-17 TRAVEL POLICY

The following travel policy will apply to employees and board members of the McLaughlin School District for all approved travel.

1. Mileage allowance: Every attempt should be made to carpool and utilize a school vehicle. Payment for travel with a privately owned automobile will only be allowable if a school vehicle is not available or if prior approval is received. When traveling by private automobile, a mileage allowance shall be paid at a per-mile rate established by the Board of Education at the annual reorganization meeting in July of each year. Mileage will be determined by Google Maps. The use of school credit cards will not be authorized for gas purchases with a privately owned automobile.
2. Lodging allowance: Overnight travel accommodations will be prearranged and billed directly to the school when applicable at the most advantageous rate. In the event this cannot be achieved, reimbursements will be made for the overnight cost only. Expenses not allowable include but are not limited to incidentals, room damage, and sales tax. A receipt must be attached to a school voucher requesting reimbursement.
3. Meal allowance: Every attempt will be made to issue per diem in advance of travel. Per diem is only payable when associated with overnight travel on official school business at the rates established by the Board of Education at the annual reorganization meeting held in July of each year.
 - a. Employees shall receive per diem for meals that are associated with an overnight stay when they are conducting official school business between the times stipulated below:

Breakfast 5:31 am – 7:59 am
Lunch 11:31 am – 12:59 pm
Dinner 5:31 pm – 7:59 pm

- b. Unless served during student travel such as field trips or extracurricular contests, meals not associated with overnight travel are deemed to be taxable income by the Internal Revenue Service. These taxable meals shall be the responsibility of the employee and shall not be reimbursed by the school district.
 - c. If a continental breakfast is served at the hotel at no expense to the employee, a breakfast per diem will not be provided. If meals are provided during training, workshops, seminars, etc., a per diem will not be provided. This will be determined prior to the issue of a per diem payment.
4. Other travel allowances including but not limited to airline accommodations, checked bags, ground transport (such as Taxi, Uber, or Lyft), and airport parking fees will be considered and arranged on a case-by-case basis with prior approval and within the adopted budget.

Updated: December 13, 2021

FILE: D-19 TRAVEL POLICY/EXTRA CURRICULAR ACTIVITIES SPONSORS (Coaches, Music Directors, Fine Arts Directors) Clinic, Workshops, In-services

The District will provide the following benefits to all coaches of high school sports, high school music directors, and high school fine arts directors who attend one South Dakota High School Activities Association sponsored clinic, workshop, or in-service during the course of one fiscal year, provided the employee has received prior approval from the superintendent to attend the event.

1. Mileage at the current District rate.
2. Meals at the current District rate.
3. Lodging at the current District rate.
4. Registration fees, not to exceed one hundred dollars (\$100).
5. The District shall provide a classroom substitute.
6. Time away from the classroom shall be provided as professional leave.

The District employee must request the specific event, including time, travel, and request for a substitute on their annual requisition form. In addition, the District employee must request professional leave at least two (2) weeks prior to the event or activity taking place. The building level principal and superintendent shall be responsible for final approval/denial of all requests.

Any request made for an out of state or national conference/convention shall be submitted to the District employee's building principal who in turn shall make a recommendation to the superintendent. If approval is given to attend any out-of-state or national conference/convention, a report will be given to the McLaughlin School Board after returning at the request of the board.

Adopted Date: November 26, 2012

FILE: D-20 DISPOSAL OF SURPLUS SCHOOL PROPERTY

State laws authorize the school district to dispose school district property which the board determines to be no longer necessary, useful or suitable for school purposes. State law also sets forth the procedures and requirements for disposal of surplus school property and the following provisions are based on current state law. Should, after the adoption of this policy, any state law be amended or repealed by the state legislature the amended statute shall supersede the corresponding provision in this policy, and should a statute be repealed the corresponding policy provision shall be null and void.

1. The Board of Education may sell, trade, destroy, or otherwise dispose of any land, structures, equipment, or other property which the board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. No motion is required to sell, trade, destroy, or otherwise dispose of consumable supplies, printed text, or subscriptions.
2. After the board has made a determination of surplus property the board shall appoint three real property owners of the school district to appraise the value of such property. Such real property owners shall file a report of the appraisal with the business manager. The board may employ a person or persons licensed by the state to do fee appraisals in lieu of the property owners conducting an appraisal pursuant to this section. Any improvements on land shall be appraised separately from the land. Equipment or supplies which are to be traded for other property, property which is to be destroyed, property which is to be transferred to another political subdivision, property being sold which was created as a result of an educational program in the school and property which is to be sold at public auction need not be appraised.
3. Any surplus property appraised at five hundred dollars or less may be sold by the board at a private or public sale without notice. The board shall give notice of the sale of all other surplus property, including property created as a result of an educational program in the school, by publishing a notice of the sale at least twice, with the first publication not less than ten days prior to the date of the sale. The first publication shall be in the school's official newspapers and the second publication may be in any legal newspaper of the state chosen by the board. The notice shall describe the property to be sold and the time when bids will be opened. The board may open the bids or may designate an official and a witness to open all bids prior to the school board meeting and shall state

such in the notice of sale. Property to be transferred to another political subdivision need not be advertised.

4. Sealed bids received on the surplus property shall be filed with the business manager and shall be opened at a school board meeting at the time specified in the notice, or the board may designate an official of the political subdivision and a witness to open all bids before the meeting of the governing board as specified in the notice. The board may reject any and all bids. However, if the board accepts a bid, it must be the bid of the highest bidder. If no bids are received, the board may have the surplus property reappraised or may within twelve months thereafter, sell the property at private sale for not less than ninety percent (90%) of the appraised value without further publication or appraisal. If the property to be sold was created as a result of an educational program in a school, the school board may accept the highest bid, or it may reject all bids and may sell the property at private sale without further publication.
5. In lieu of receiving sealed bids as required by this chapter, the school district may sell real property at public auction or by listing the property with one or more licensed real estate brokers. The board may accept any offer for purchase of real property. If the board sells real property by public auction or through a real estate broker, the governing body shall give notice of the sale of the real property by law. If a governing body sells real property by public auction or through a real estate broker, the governing body shall give notice of the sale of the real property and the appraised value of the real property from the appraisal report.
6. In lieu of sealed bids, the board may sell surplus property at auction. The board shall advertise such auction by publication as required by law. Surplus property may be sold to the highest bidder at such auction.
7. No school board member who has been elected or appointed, school administrator, or real property owner acting as an appraiser, may purchase the surplus property except at public auction.
8. All revenue accruing from the sale of surplus property shall be paid and credited, at the discretion of the board, to the general fund, to the fund in which such property was inventoried, or to the capital outlay fund.
9. The school district may convey and transfer any real property which is held or owned by it, the title to which has been obtained and which is not held for public use, or which is about to be abandoned for public purposes, to another political subdivision or nonprofit corporation for public purposes and accommodation without offering the property for sale and without requiring said political subdivision or nonprofit corporation to pay therefore. If the board deems it advisable and to the best interest of the public to convey any such property to another political subdivision or nonprofit corporation pursuant to this provision the board shall by resolution direct that said property be so conveyed and transferred and a deed of conveyance shall be made to the political subdivision or nonprofit corporation, which deed vests in the grantee all the right, title and interest of the transferor in and to the real property so conveyed.
10. The school district may by resolution exchange any land belonging to it with a private owner. Before entering into a contract for the exchange of real property, the board shall cause the real property to be appraised by a board of three disinterested appraisers

who are real property owners within the school district or by one or more persons licensed by the state to do fee appraisals. Any exchange shall be made upon such terms, conditions, and in such manner as may be determined and agreed upon by the parties following public notice and hearing. The notice of the proposed exchange and hearing shall be published once at least ten (10) days before the hearing. The notice shall contain a description of the lands to be exchanged.

11. The school district may lease or sell or give and convey any personal property, real property, or money of such entity or perform any work or render any services, to the state or any public corporation thereof, to be used by such grantee for an authorized public purpose. Such lease or sale or gift and conveyance, or the performance of such work, to be authorized, shall be made, or done on the terms and in the manner provided by resolutions of the board. However, no money may be transferred from any sinking or interest fund unless sufficient money is left therein to pay all interest which may accrue on and the principal of all outstanding bonds.

Adopted Date: April 10, 2017

Legal References: SDCL 6-13; SDCL 6-5-2; SDCL 6-5-5; SDCL 13-15-7; SDCL 13-24-4

FILE: D-21 INSURANCE MANAGEMENT

The board has the responsibility to maintain an adequate and comprehensive insurance program to protect the property and equipment under its control and individuals discharging responsibilities for the school district. It will seek adequate appropriations for such coverage. The responsibility for overseeing the District's total insurance program will be delegated to the superintendent and the business manager, with review and approval by the board.

Adopted Date: April 10, 2017

FILE: D-22 INTERNAL CONTROL OF ACCOUNTING SYSTEM/RISK MANAGEMENT POLICY

The administrators of the District are responsible for establishing and maintaining an internal control structure designed to provide management, taxpayers, and all grantors, federal or otherwise, with reasonable assurance that:

1. Assets are safeguarded against loss from unauthorized use or disposition in accordance with state law.
2. Transactions are executed in accordance with proper authorization and are recorded properly to permit the preparation of the financial statements in accordance with generally accepted accounting principles; and

3. Grant applications including, but not limited to, Local Educational Agency (LEA) Consolidated Grant Application for Title I, Part A (Title I), LEA Special Education Grant Application for Individuals with Disabilities Education Act, Title VII Indian Education Formula Grant Application, and Impact Aid Program Section 8003 Grant Application (Impact Aid), are properly researched, compiled, completed, submitted, and executed in accordance with state and federal law.

The board recognizes that there are numerous inherent risk factors which must be considered when protecting public funds through the revenue and expenditure process. Lack of segregation of duties in the internal (district) control of the accounting process, which is due to limited number of personnel available in the business office is a control deficiency, but because of compensating controls through the direct involvement of the superintendent and the Board of Education, the board does not deem the lack of segregation of duties to be a significant deficiency or material weakness related to government auditing standards.

Those organization risk factors which the board recognizes include: changes in the operations, changes in personnel, competency of personnel, changes in systems/capability of current systems, level of supervision or oversight, changes in or effectiveness of policies and procedures, new mandates from public or third parties, level of internal audit/monitoring over the account, susceptibility of assets to misappropriation, opportunities available for misappropriation, misappropriation pressures present, questionable management style and characteristics, presence of political factors or pressures, pressure from outside influences, disregard of legal requirements, unrealistic financial targets or projections, threats of funding losses, difficulty in meeting debt covenants, recorded assets or liabilities do not exist as of a given date, recorded transactions are not recorded in the appropriate period, transactions are not summarized or recorded in correct amounts, recorded assets are owned by others or pledged where entity has no rights, assets or liabilities are valued on an inappropriate basis, revenues or expenses are measured inappropriately, assets and liabilities exist but are not recorded, valid transactions are not recorded, transactions are not recorded in the appropriate period, transactions are not summarized or recorded in correct amounts, assets or liabilities are valued on an inappropriate basis, accounts are not properly classified (such as current and non-current, restricted or unrestricted), accounts or transactions are recorded in an inappropriate fund or reporting unit, required information is not disclosed in the statements, disclosed events or transactions have not occurred or are in wrong amounts, disclosures are not understandable, or undisclosed inconsistent application of accounting principles.

Internal Control practices and procedures performed by the District for Financial Close & Reporting, Expenditures, Revenues, Title I and Impact Aid are as follows:

Financial Close & Reporting

The business manager completes check reconciliations of all accounts against the bank statement on a monthly basis. Accruals related to any Accounts Receivable assets to be received within sixty (60) days after the fiscal year closes are recorded in June. Any liabilities

such as the accrued deferred payroll for teachers who receive their salaries over twelve (12) months are recorded in June. Any wages earned in the current fiscal year but to be received after its close are recorded in June alongside any accrued deferred payroll.

In June, the annual Revenue and Expenditure reports are reviewed and aligned against Accounts Receivable and Outstanding Liabilities to determine the appropriate budget supplements and account transfers before a Fiscal Year End report is provided to the board at the annual reorganization meeting. Any ongoing supplements to the budget will be reviewed and approved as necessary on a monthly basis to better monitor spending.

Expenditure

Business Office personnel will be responsible for mail pickup by 10:30 am, e.g., the business manager, assistant business manager or superintendent's administrative assistant. The mail will be sorted and distributed departmentally.

Invoices are distributed to the assistant business manager and are marked and dated "Received." The assistant business manager enters all invoices as they are received, marking and dating them as "Entered," and filing the hard copies alphabetically in an accordion folder. Credit card statements are entered into the accounting software separate from the current invoices for ease of use. Before any invoice is entered, it is confirmed for accuracy and receipt. Each invoice is matched against the original approved requisition, purchase order, order confirmation (if applicable), and packing slip (if applicable). The assistant business manager works closely with the business manager in managing the chart of accounts for proper expenditure coding for each invoice received and entered.

Each Wednesday prior to the monthly board meeting held on the second Monday of each month, an invoice listing report is printed from the accounting software for the current invoices and the credit card invoices to be paid. The business manager verifies the reports are accurate for coding, posting date, description, amounts and vendors. The report is provided in the board packet for inspection by each board member. Board members are encouraged to arrange to discuss any invoice inquiries prior to the board meeting. If from the time of board packet compilation until the board meeting there are additional bills received, they are assessed for timeliness of payment. If they require immediate payment, they are entered into an additional but separate invoice batch and again checked for accuracy before an Invoice listing report is printed and provided to the board prior to the Call to Order. The morning after the board meeting, all approved invoices are posted and paid. The checks are printed by the business manager along with a Voucher and Warrant to be remitted to the vendor. The business manager signs all checks and notifies the board chairman or vice chairman that they are ready for counter-signature. If there are any vendors who receive a direct deposit, a "Vendor Direct Deposit Enrollment Form" is kept on file. An Accounts Payable Direct Deposit listing report is printed from the accounting software and shown along with its corresponding Voucher and Warrant to the counter-signer. The business manager arranges for all ACH transfers in accordance with law and instruction from the financial institution responsible for completing the transfer. The assistant business manager then prepares all payments and remittance stubs

for send out and files all source documents in a monthly Accounts Payable folder. The checks and vouchers are mailed as soon as they are completed. All mail is hand-delivered to the post office by any office personnel at the close of business every day.

An Imprest Fund is used to pay invoices or requests that require payment prior to board approval. The business manager and the assistant business manager maintain the Imprest Fund and consent to any vouchers issued from the Imprest Fund. They are the only authorized signers on this account. Any invoice requiring payment from the Imprest Fund must be accompanied by an approved requisition and purchase order. After it is determined that the payment is necessary, the check is written and distributed on a weekly basis on Thursdays. A ten thousand dollar (\$10,000) balance is maintained in the Imprest Fund and reconciled monthly. A reimbursement listing is provided with the invoice listing in the board packets for monthly approval.

Revenue

Business Office personnel will be responsible for mail pickup by 10:30 a.m., the business manager, assistant business manager or superintendent's administrative assistant. The mail will be sorted and distributed departmentally.

Checks are distributed to the business manager. Checks are receipted daily and hand-delivered to the bank for deposit. If the business manager is unable to deposit immediately, all money or checks are locked in a fireproof file cabinet until they can be hand-delivered to the bank for deposit. Deposits are generally made as they are received. When cash boxes are prepared for an event, a tabulation sheet is enclosed that lists starting cash by denomination and instructions for totaling and reconciling cash ready for deposit. Every time cash exchanges hands, it is verified for accuracy. After each event, the advisor and/or club/event members count the money and follow the reconciliation instructions before entrusting to an event Administrator. The Administrator is responsible for transporting the cash box to the Business Office to be locked in a cabinet in the business manager's office.

The cash boxes are recounted and prepared for deposit by the assistant business manager immediately following the event during normal business hours. If there is an immaterial discrepancy (\$10 or less), the change is recorded and initialed on the tabulation sheet. If there is a considerable discrepancy (\$10+), a witness is solicited for the change to be recorded and both parties initial the tabulation sheet. The business manager completes a receipt and hand-delivers the deposit to the bank. The advisor is provided with a copy of the tabulation sheet of recounted cash, a school receipt and a deposit receipt.

All revenue is recorded by the business manager. When deposits are prepared, each check is endorsed "For Deposit Only McLaughlin School District 15-2" and each check is deposited separately with a brief check description on the deposit slip. A pre-numbered cash receipt is prepared for each check. All deposits are prepared and hand-delivered usually as they are received. Deposit receipts are provided by the official depository staff receiving the deposit. Large revenues are typically received through Direct Deposit into the account listed with the

System for Awards Management (SAM). These usually include county tax revenues, state aid revenues and federal program reimbursements or Impact Aid. Payment vouchers are generally received by postal mail or email so a cash receipt can be prepared and reconciled against the bank statement. At the end of the month, the business manager enters all cash receipts into the accounting software. After entry, a cash receipt listing is printed from the software and verified for correct general ledger coding and entry amounts. After all is verified for accuracy, the batch is posted to the general ledger. Cash receipts and their respective listing are marked and dated "Posted" and are kept separate from any Manual Journal Entries for each month. The check reconciliation is completed after all Cash receipts and Manual Journal Entries have been recorded, entered, verified, and posted. All cash accounts on the Balance Sheet are reconciled with the cash on hand, with the difference acknowledged and recorded as equal to the amount of outstanding checks. Outstanding checks are managed and if necessary, cleared with board approval on an annual basis in May.

Title I CFDA #84.010

ACTIVITIES ALLOWED OR UNALLOWED AND ALLOWABLE COSTS/COST PRINCIPLES –

Control Environment

- Management sets reasonable budgets for federal and non-federal programs so that no incentive exists to miscode expenditures.
- Management enforces appropriate penalties for misappropriation or misuse of funds.
- Organization-wide cognizance of need for separate identification of allowable federal costs.
- Management provides personnel approving and pre-auditing expenditures with a list of allowable and unallowable expenditures.

Risk Assessment

- Process for assessing risks resulting from changes to cost accounting systems.
- Key manager has a sufficient understanding of staff, processes, and controls to identify where unallowable activities or costs could be charged to a federal program and not be detected.

Control Activities

- Accountability provided for charges and costs between federal and non-federal activities.
- Process in place for timely updating of procedures for changes in activities allowed and cost principles.
- Computations checked for accuracy.
- Supporting documentation compared to list of allowable and unallowable expenditures.
- Adjustments to unallowable costs made where appropriate and follow-up action taken to determine the cause.
- The department wishing to make a purchase must submit a requisition to their department supervisor (i.e., principal). If approved, an authorized agent prepares a purchase order from this approved requisition to be signed by the business manager before purchases can be made. When products or services are ordered, received, and verified for completeness, each authorized agent submits the packing slips, purchase order, and requisition for attachment to the invoice, thereby approving it for payment. When invoices come in, they are entered as payable and are included as part of an invoice listing that is included in the Board of Education packet for monthly meetings. The business manager prepares the bills for payment and enters the invoices in the system for payment. The invoice listing provided to board members does not show a complete list of invoices but rather lists the total amounts owed to each vendor in summary. The board approves expenditures based on this listing without seeing the invoices. Invoices are always made available for verification by board members. Checks

are then produced after the board approves expenditures, which are required to be signed by the business manager and board president.

Information and Communication

- Reports, such as a comparison of budget to actual, provided to appropriate management for review on a timely basis.
- Establishment of internal and external communication channels on activities and costs allowed.
- Training programs, both formal and informal, provide knowledge and skills necessary to determine activities and costs allowed.
- Interaction between management and staff regarding questionable costs.
- Grant agreements (including referenced program laws, regulations, handbooks, etc.) and cost principles circulars available to staff responsible for determining activities allowed and allowable costs under federal awards.

Monitoring

- Management reviews supporting documentation of allowable cost information.
- Flow of information from federal agency to appropriate management personnel.
- Comparisons made with budget and expectations of allowable costs.
- Analytic reviews (e.g., comparison of budget to actual or prior year to current year) and audits performed.
- Twice monthly pre- and post-board meeting budget meetings are held among all department heads to verify budget versus actual expenditures and to identify any miscoding errors that require review and correction.

CASH MANAGEMENT -

Control Environment

- Appropriate assignment of responsibility for approval of cash draw downs. The business manager performs all drawdowns based on expenditures incurred which have been verified by the District expenditure listing.
- Budgets for drawdowns are consistent with realistic cash needs.

Risk Assessment

- Mechanisms exist to anticipate, identify, and react to routine events that affect cash needs.
- The Title I Program expenditures are requested after expenditures have been incurred.

Control Activities

- The business manager quarterly draws down funds; funds are direct deposited into the school's account as listed with SAM.
- Appropriate level of supervisory review of cash management activities. The business manager monitors that requests are completed for expenditures incurred and records the revenues in the GL when the payments are received.

Information and Communication

- Variance reporting of expected versus actual cash disbursements of federal awards and drawdowns of federal funds.

Monitoring

- Periodic independent evaluation (e.g., by internal audit, top management) of entity cash management, budget and actual results, repayment of excess interest earnings, and federal draw down activities.
- Review of compliance with Treasury-State agreements.

MATCHING, LEVEL OF EFFORT, AND EARMARKING -

Control Environment

- Commitment from management to meet matching, level of effort, and earmarking requirements (e.g., adequate budget resources to meet a specified matching requirement or maintain a required level of effort). The budget is included in the grant application and the projects that will be implemented with this money are also described in the grant application submitted to the SD Department of Education.
- Budgeting process addresses/provides adequate resources to meet matching, level of effort, or earmarking goals.
- The grant application also includes the total amount of local and state money that will be used to support better education costs.

Risk Assessment

- Identification of areas where estimated values will be used for matching, level of effort, or earmarking.
- Management has sufficient understanding of the accounting system to identify potential recording problems.

Control Activities

- Adequate review of monthly cost reports and adjusting entries.

- The Authorized Agent and Fiscal Agent collectively report the total budgeted funding that will be received from state and local sources for the fiscal year that will be applied for plus the actual funding that was provided to the McLaughlin School District for the preceding year.

Information and Communication

- Accounting system capable of:
 - Separately accounting for data used to support matching, level of effort, or earmarking amounts or limits or calculations.
 - Ensuring that expenditures or expenses, refunds, and cash receipts or revenues are properly classified and recorded only once as to their effect on matching, level of effort, or earmarking.

Monitoring

- Supervisory review of matching, level of effort, or earmarking activities performed to assess the accuracy and allowability of transactions and determinations, e.g., at the time reports on federal awards are prepared.

PERIOD OF AVAILABILITY -

Control Environment

- Management understands and is committed to complying with period of availability requirements.
- Entity's operations are such that it is unlikely there will be federal funds remaining at the end of the period of availability.

Risk Assessment

- The budgetary process considers period of availability of federal funds as to both obligation and disbursement.

Control Activities

- Review of disbursements by person knowledgeable of period of availability of funds.

Information and Communication

- Timely communication of period of availability requirements and expenditure deadlines to individuals responsible for program expenditure, including automated notifications of pending deadlines.

Monitoring

- Periodic review of expenditures before and after cut-off date to ensure compliance with period of availability requirements.

PROCUREMENT AND SUSPENSION AND DEBARMENT -

Control Environment

- Existence and implementation of codes of conduct and other policies regarding acceptable practice, conflicts-of-interest, or expected standards of ethical and moral behavior for making procurements.
- Procurement manual that incorporates federal requirements.
- Absence of pressure to meet unrealistic procurement performance targets.
- Management's prohibition against intervention or overriding established procurement controls.
- Board or governing body oversight required for high dollar, lengthy, or other sensitive procurement contracts.
- Adequate knowledge and experience of key procurement managers in light of responsibilities for procurements for federal awards.
- Clear assignment of authority for issuing purchasing orders and contracting for goods and services.

Risk Assessment

- Procedures to identify risks arising from vendor inadequacy, e.g., quality of goods and services, delivery schedules, warranty assurances, and user support.
- Procedures established to identify risks arising from conflicts-of-interest, e.g., kickbacks, related party transactions, bribery.
- Management understands the requirements for procurement and suspension and debarment, and, given the organization's staff, departments, and processes, has identified where noncompliance could likely occur.
- Conflict-of-interest statements are maintained for individuals with responsibility for procurement of goods or services.

Control Activities

- Job descriptions or other means of defining tasks that comprise particular procurement jobs.
- Contractor's performance with the terms, conditions, and specifications of the contract is monitored and documented.
- Establish segregation of duties between employees responsible for contracting and accounts payable and cash disbursing.

- Procurement actions appropriately documented in the procurement files.
- Supervisors review procurement and contracting decisions for compliance with federal procurement policies.
- Procedures established to verify that vendors providing goods and services under the award have not been suspended or debarred by the federal government.

Information and Communication

- A system in place to assure that procurement documentation is retained for the time period required by the A-102 Common Rule, OMB Circular A-110, award agreements, contracts, and program regulations. Documentation includes:
 - The basis for contractor selection;
 - Justification for lack of competition when competitive bids or offers are not obtained; and
 - The basis for award cost or price.
- Employees' procurement duties and control responsibilities are effectively communicated.
- Procurement staff, otherwise called Authorized Agents, are provided a current List of Parties Excluded from Federal Procurement or Non-procurement Programs, issued by the General Services Administration, or have on-line access.
- Channels of communication are provided for people to report suspected procurement and contracting improprieties.

Monitoring

- Management periodically conducts independent reviews of procurements and contracting activities to determine whether policies and procedures are being followed as intended.

REPORTING -

Control Environment

- Persons preparing, reviewing, and approving the reports possess the required knowledge, skills, and abilities.
- Management's attitude toward reporting promotes accurate and fair presentation.
- Appropriate assignment of responsibility and delegation of authority for reporting decisions.

Risk Assessment

- Identification of underlying source data or analysis for performance or special reporting that may not be reliable.

Control Activities

- The general ledger or other reliable records are the basis for the reports.

Information and Communication

- An accounting or information system that provides for the reliable processing of financial and performance information for federal awards.

Monitoring

- Communications from external parties corroborate information included in the reports for federal awards.
- Periodic comparison of reports to supporting records.

SPECIAL TESTS AND PROVISIONS -

Control Environment

- The Authorized Agent and Fiscal Agent possess a lot of knowledge about the Title I program and are aware of the poverty eligibility requirements.

Risk Assessment

- Identification of underlying source data or analysis for poverty eligibility requirements that may not be reliable.

Control Activities

- The federal program employee monitors compliance with the poverty eligibility requirements and reports the levels when he submits the annual consolidated application.

Information and Communication

- Grant agreement provides information needed to comply with the requirement. Staff is aware of the special test communicated in the grant and ensures that these are met.

Monitoring

- Annual audits by independent auditor.
- SD Department of Education receives periodic reports.

Identifying Schools and LEAs Needing Improvement – Adequate Yearly Progress -

Control Environment

- The Authorized Agent and Fiscal Agent possess a lot of knowledge about the Title I program and are aware of the poverty eligibility requirements.

Risk Management

- Identification of underlying source data or analysis for special tests and provisions that may not be reliable.

Control Activities

- Written policy exists that establishes responsibility and provides the procedures for periodic monitoring, verification, and reporting of program progress and accomplishments over special tests and provisions.

Information and Communication

- Grant agreement provides information needed to comply with special tests and provisions. The staff are aware of the special test communicated in the grant and ensure that these are met.

Monitoring

- Annual audits by independent auditor.
- SD Department of Education receives periodic reports.

Highly Qualified Teachers & Paraprofessionals -

Control Environment

- The Authorized Agent and Fiscal Agent possess a lot of knowledge about the Title I program and are aware of the poverty eligibility requirements.
- Appropriate assignment of responsibility and delegation of authority for special provision decisions.

Risk Management

- Before any teacher can enter into a signed contract with the school district to work in the Title I area they must submit the appropriate documentation to the Title I office to keep in files to ensure all teachers that work in the Title I program are highly qualified.

Control Activities

- Written policy exists that establishes responsibility and provides the procedures for periodic monitoring, verification, and reporting of program progress and accomplishments over special tests and provisions.

Information and Communication

- It is communicated to teachers by the business manager and/or authorized agent before they are able to get their contract for Title I that they must submit the appropriate documentation to be kept on file in their personnel record.
- If the employee is not considered highly qualified, the appropriate Praxis I examination is scheduled for completion by the Title I personnel.

Monitoring

- Annual audits by independent auditor.
- SD Department of Education receives periodic reports.

Impact Aid CFDA #84.041

ACTIVITIES ALLOWED OR UNALLOWED AND ALLOWABLE COSTS/COST PRINCIPLES -

Control Environment

- Management sets reasonable budgets for federal and non-federal programs so that no incentive exists to miscode expenditures.
- Management enforces appropriate penalties for misappropriation or misuse of funds.
- Organization-wide cognizance of need for separate identification of allowable federal costs.
- Management provides personnel approving and pre-auditing expenditures with a list of allowable and unallowable expenditures.

Risk Assessment

- Process for assessing risks resulting from changes to cost accounting systems.
- Key manager has a sufficient understanding of staff, processes, and controls to identify where unallowable activities or costs could be charged to a federal program and not be detected.

Control Activities

- Accountability provided for charges and costs between federal and non-federal activities.

- Process in place for timely updating of procedures for changes in activities allowed and cost principles.
- Computations checked for accuracy.
- Supporting documentation compared to list of allowable and unallowable expenditures.
- Adjustments to unallowable costs made where appropriate and follow-up action taken to determine the cause.
- Accountability for authorization is fixed in an individual who is knowledgeable of the requirements for determining activities allowed and allowable costs.

Information and Communication

- Reports, such as a comparison of budget to actual, provided to appropriate management for review on a timely basis.
- Establishment of internal and external communication channels on activities and costs allowed.
- Training programs, both formal and informal, provide knowledge and skills necessary to determine activities and costs allowed.
- Interaction between management and staff regarding questionable costs.
- Grant agreements (including referenced program laws, regulations, handbooks, etc.) and cost principles circulars available to staff responsible for determining activities allowed and allowable costs under federal awards.

Monitoring

- Management reviews supporting documentation of allowable cost information.
- Flow of information from federal agency to appropriate management personnel.
- Comparisons made with budget and expectations of allowable costs.
- Analytic reviews (e.g., comparison of budget to actual or prior year to current year) and audits performed.

DAVIS-BACON ACT -

Control Environment

- Management understands and communicates to staff, contractors, and subcontractors the requirements to pay wages in accordance with the Davis-Bacon Act.
- Management understands its responsibility for monitoring compliance.

Risk Assessment

- Mechanisms in place to identify contractors and subcontractors most at risk of not paying the prevailing wage rates.

- Management identified how compliance will be monitored and the related risks of failure to monitor for compliance with Davis-Bacon Act.

Control Activities

- Contractors informed in the procurement documents of the requirements for prevailing wage rates.
- Contractors and subcontractors required to submit certifications and copies of payrolls which meet the requirements to pay prevailing wage rates.
- Contractors' and subcontractors' payrolls monitored for compliance with prevailing wage rates.

Information and Communication

- Prevailing wage rates are appropriately communicated.
- Reports provide sufficient information to determine if requirements are being met.
- Channels are established for staff, contractors, and workers to report misclassifications or failure to pay prevailing wages.

Monitoring

- Management reviews to ensure that contractors and subcontractors are being required to pay prevailing wage rates.
- On-site visits are performed to monitor classifications and wage rates.
- Monitoring reports from contractors are compared to independent checks.

Matching, Level of Effort, Earmarking -

Control Environment

- Commitment from management to meet level of effort requirements (e.g., adequate budget resources to meet a specified matching requirement or maintain a required level of effort).
- Budgeting process addresses/provides adequate resources to meet level of effort goals.

Risk Assessment

- Identification of areas where estimated values will be used for level of effort.
- Management has sufficient understanding of the accounting system to identify potential recording problems.

Control Activities

- Evidence obtained from compliance supplement noting level of effort requirements.

Information and Communication

- Accounting system capable of calculating all amounts necessary for tracking.

Monitoring

- Review of activities performed to assess the accuracy and allowability of transactions and determinations.

REPORTING -

Control Environment

- Persons preparing, reviewing, and approving the reports possess the required knowledge, skills, and abilities.
- Management's attitude toward reporting promotes accurate and fair presentation.
- Appropriate assignment of responsibility and delegation of authority for reporting decisions.

Risk Assessment

- Mechanisms exist to identify risks of faulty reporting caused by such items as lack of current knowledge of, inconsistent application of, or carelessness or disregard for standards and reporting requirements of federal awards.
- Identification of underlying source data or analysis for performance or special reporting that may not be reliable.

Control Activities

- Tracking system which reminds staff when reports are due.

Information and Communication

- An accounting or information system that provides for the reliable processing of financial and performance information for federal awards.

Monitoring

- Communications from external parties corroborate information included in the reports for federal awards.

SPECIAL TESTS AND PROVISIONS -

Control Environment

- Persons preparing, reviewing, and approving the special tests and provisions possess the required knowledge, skills, and abilities.

Risk Assessment

- Mechanisms exist to identify risks of not following special tests and provisions caused by such items as lack of current knowledge of, inconsistent application of, or carelessness or disregard for standards and reporting requirements of federal awards.

Control Activities

- Review of special tests and provisions.

Information and Communication

- An accounting or information system that provides for the reliable processing of financial and performance information for federal awards.

Monitoring

- Communications from external parties corroborate information included in the reports for federal awards.

Adopted Date: April 10, 2017

FILE: D-23 CREDIT CARD USE AND ELECTRONIC TRANSACTIONS

The District is committed to using its financial resources wisely. The board recognizes that credit cards and electronic transactions may provide school employees with a convenient payment option and may also improve business office efficiency.

Credit Cards: The board authorizes the use of credit card or electronic payment for official district purchases and acquisitions. The business manager is responsible for authorization and control of the use of credit cards, subject to the final school board approval of payments.

Authorized use of the credit card is limited to the person in whose name the card is issued and may not be loaned to another person. The business manager may authorize use of the general staff or administration credit cards on a case-by-case basis.

The credit card is for business-related purposes only. It may not be used for personal purchases. The credit card is District property and should be used only for authorized District purchases. Only the business manager is authorized to use the credit card when scheduling travel for District employees and/or consultants retained by the District as speakers, presenters, etc., including registration fees, lodging and airline tickets. The business manager is authorized to use a District credit card to purchase items online that cannot be reasonably purchased elsewhere or when purchasing or paying for items online results in significant savings. The business manager is also authorized to use the credit card for prepayment of items/services when required by a vendor or in instances of savings to the District.

The items listed below are school board authorized purchases. All other credit card purchases require prior approval from the business manager.

Authorized Credit Card Purchases: Maintenance/repair/operations, facilities maintenance expenses, office supplies, stationery, forms, printing, books, periodicals, subscriptions, DVD'S, CD's, computer supplies and maintenance, safety equipment or supplies, catering or small dining services, medical supplies, screen printing, repetitive/consistent purchases, lodging, gasoline or diesel for school-owned vehicles, and car rentals (mileage, lodging and car rentals must be pre-approved by the employee's supervisor and business manager)

The card users shall submit charge card receipts to the business manager no later than the date established by the business manager.

The business manager shall audit the charge card receipts, reconcile the charge card statement, and process the charges for payment.

Cardholders, with the exception of the business manager, are not allowed to use the credit card for purchases greater than one thousand dollars (\$1,000) without prior Board authorization. The business manager is not authorized to use the credit card for purchases greater than five thousand dollars (\$5,000) each.

Any cardholder benefits or revenue generated from the use of district-issued credit or cards shall be for the exclusive use of the district. Employees shall reimburse the District for any charges that are disallowed by the employee's supervisor, the business manager, or the board. Employees must return the credit card to the business manager or school board upon being directed to do so by the business manager or school board.

Electronic Transfers: The business manager is authorized to electronically transfer funds for such purposes as may be specifically authorized by the board.

Legal References: SDCL 4-3-27 (Credit card use for purchases)

FILE: D-24 GENERAL FUND BALANCE

The school board is committed to operating the District in a fiscally responsible manner while balancing student needs and the District's financial obligations.

To ensure the District has the resources necessary to meet ongoing and routine financial commitments, the District shall maintain a general fund balance at a level sufficient to cover the cash-flow needs of the District. The District may also hold in reserve a portion of the District's general fund that may be necessary to address long-term District financial plans or unanticipated emergency expenditures.

At least once per school year, the superintendent shall provide the board with recommendations regarding the management of the District's general fund balance, including financial information detailing the District's cash-flow and reserve needs.

Before the first day of August, the board shall file an annual report with the Department of Education. The report shall contain all the educational and financial information and statistics of the school district as requested in a format established by the Department of Education. The report shall also contain, for each month of the fiscal year, the month-end cash balances of the school district's general fund, capital outlay fund, pension fund, and special education fund. The report shall also contain the following information for the District from the preceding fiscal year:

1. Total teacher compensation, which is defined as the total amount spent on instructional salaries and benefits for certified instructional staff;
2. The total amount spent on instructional salaries for certified instructional staff;
3. The total amount spent on benefits for certified instructional staff;
4. The total number of certified instructional staff employed by the school district; and
5. Any other information necessary to comply with law.

Certified Instructional staff are defined as individuals who are assigned the professional activities of instructing pupils in self-contained classes or courses, or in classroom situations. The number of certified instructional staff is usually expressed in full-time equivalents.

The following categories of teachers meet the definition of certified instructional staff:

- Elementary School teachers
- Middle School / Junior High teachers
- High School teachers
- Gifted Education teachers
- Kindergarten and Junior Kindergarten teachers
- LEP teachers

- Title I teachers
- Special Education teachers

The following categories do not meet the definition of classroom instructional staff:

- Pre-K teachers
- Long-term substitutes
- Counselors
- Administrators
- Librarians
- Speech Therapists
- Technology Coordinators

The business manager, with the assistance of the secretary of the Department of Education, shall make the annual report, and it shall be approved by the Board. The business manager shall sign the annual report and file a copy with the Department of Education.

Reports not filed before August 30th are considered past due and are subject to the past-due penalties set forth in SDCL 13-13-38.

Note: SD Dept. of Ed. has identified staff members who are certified instructional staff and who are not certified instructional staff.

Adopted Date: September 13, 2021

Legal References: SD Dept. of Ed. (2016 K-12 Education Funding Package Frequently Asked Questions, April 18, 2016)
 SDCL 13-13-10.1 (Definition of terms)
 SDCL 13-13-38 (Penalty for late reporting)
 SDCL 13-16-3 (General fund defined)
 SDCL 13-8-47 (Annual report to DOE)

FILE: D-25 E-RATE RECORDS RETENTION

Pursuant to the SD Bureau of Administration, Records Retention Division, SCL-53, E-Rate Federal Funding Files 14-012, information is retained for audit purposes. The information to be retained includes applications, invoices, financial reports, and correspondence. That information is to be retained for one (1) year, then transferred to storage for nine (9) years, and may be destroyed after ten (10) years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

Pursuant to 47 CFR 54.516(a), the School District shall retain all documents related to the application for, receipt, and delivery of E-Rate supported services for ten (10) years after the last day of the applicable funding year or the service delivery deadline for the funding request,

whichever is later. Any other document that demonstrates compliance with the statutory or regulatory requirements for the schools shall be retained as well. The District shall maintain asset and inventory records of equipment purchased as components of supported category two services sufficient to verify the actual location of such equipment for a period of ten (10) years after purchase.

Pursuant to 47 CFR 54.516(b) and (d), the School District shall produce such records at the request of any representative (including any auditor) appointed by the South Dakota Department of Education, the Universal Service Administrative Company, the FCC, or any local, state or federal agency with jurisdiction over the District, and the District shall permit such representative to enter the District's premises to conduct E-Rate compliance inspections.

Pursuant to 47 CFR 54.516(c), the School District shall be subject to audits and other investigations to evaluate its compliance with the statutory and regulatory requirements for the school district service support mechanism, including those requirements pertaining to what services and products are purchased, what services and products are delivered, and how services and products are being used. The District must provide consent before a service provider releases confidential information to the auditor, reviewer, or other representative.

According to Federal Communications Commission FCC 04-190, August 4, 2004, par. 47, the FCC did not believe that an exhaustive list of documents which must be retained for the recordkeeping requirement is possible due to the diversity that exists among program schools and libraries and descriptive titles or names of relevant documents will vary from entity to entity. The FCC provided for illustrative purposes (FCC 04-190 par. 48) the following description of documents that program beneficiaries such as the School District must retain pursuant to the recordkeeping requirement.

The School District Board of Education adopts the FCC guidelines as the E-Rate Records Retention Policy for the School District as set forth below:

Pre-Bidding Process. The District shall retain the technology plan and technology plan approval letter. If consultants are involved, The District shall retain signed copies of all written agreements with E-Rate consultants.

Bidding Process. The District shall retain all documents used during the competitive bidding process. The District shall retain documents such as: (a) Requests for Proposals, including evidence of the publication date; (b) documents describing the bid evaluation criteria and weighting, as well as the bid evaluation worksheets; (c) all written correspondence between the beneficiary and prospective bidders regarding the products and service sought; (d) all bids submitted, winning, and losing; and (e) documents related to the selection of service providers.

Contracts. The District shall retain executed contracts, signed, and dated by both parties, and all amendments and addenda to the contracts, as well as other agreements relating to E-Rate between the District and service provider, such as upfront payment arrangements, if any.

Application Process. The District shall retain (a) all documents relied upon to submit Form 471, including National School Lunch Program eligibility documentation supporting the discount percentage sought; (b) documents to support the necessary resources certification pursuant to section 54.505 of the Commission’s rules, including budgets; and (c) documents used to prepare the Item 21 description of services attachment.

Purchase and Delivery of Services. The District shall retain all documents related to the purchase and delivery of E-Rate eligible services and equipment. The District shall retain (a) purchase requisitions, (b) purchase orders, (c) packing slips, and (d) delivery and installation records showing where equipment was delivered and installed or where services were provided.

Invoicing. The District shall retain all invoices and records proving payment of the invoice, such as accounts payable records, service provider statement, beneficiary check, bank statement or ACH (electronic payment) transaction record. The District shall also be able to show proof of service provider payment to the beneficiary of the BEAR (Billed Entity Applicant Reimbursement), if applicable.

Inventory. The District shall retain asset and inventory records of equipment purchased and components of supported internal connections services sufficient to verify the location of such equipment. The District shall also retain detailed records documenting any transfer of equipment within three (3) years after purchase and the reasons for such a transfer.

Forms and Rule Compliance. All program forms, attachments and documents submitted to the Administrator (USAC, Universal Service Administrative Company) must be retained. The District shall retain all official notification letters from USAC, as applicable. The District shall retain FCC Form 470 certification pages (if not certified electronically), FCC Form 471 and certification pages (if not certified electronically), FCC Form 471 Item 21 attachments, FCC Form 479, FCC Form 486, FCC Form 500, FCC Form 472. The District shall also retain any documents submitted to USAC during program integrity assurance (PIA) review, Selective Review, and Invoicing Review, or for SPIN change or other requests.

Note: The Federal Communications Commission FCC 04-190, August 4, 2004, par. 49 emphasized in that the rule requires schools to retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt, and delivery of services and the descriptive list above was provided by the FCC as a guideline but cannot be considered exhaustive.

Adopted Date: September 13, 2021

Legal References: CFR Title 47 Part 54 (E-Rate Program – Modernization of the Schools and Libraries)
CFR Title 47 Part 54 §54.516 (E-Rate Program – Auditing and Inspections)
FCC 04-190 (Report and Order 8/4/2004 paragraphs 47, 48 and 49)

FCC 14-99 (Report and Order 7/11/2014 paragraph 262)
FCC 14-189 (Report and Order and Order on Reconsideration
12/11/2014 paragraph 144)
SD Bureau of Administration, SCL-53 (E-Rate Federal Funding Files
14-012)

FILE: D-26 PETTY CASH ACCOUNTS

In accordance with law, the board may establish petty cash accounts for the schools in the District, not to exceed the amount of one thousand dollars (\$1,000) in each account. This account may be used to facilitate refunds and minor purchases of the school district.

Expenditures against this account must be itemized, documented with receipts, and will be charged to the applicable fund. After a budget item is exhausted, no expenditures against the item may be made from petty cash.

The board designates the business manager to be accountable for the petty cash account. Disbursements from the account will not require board approval or the signature of the board president.

Adopted Date: September 13, 2021

Legal References: SDCL 13-18-16 (Petty cash account)

FILE: D-27 BIDDING REQUIREMENTS

In accordance with state bidding laws, bidding is required when a purchase or contract equal to or exceeding twenty-five thousand dollars (\$25,000) is anticipated, or if the contract is for the construction of a public improvement more than fifty thousand dollars (\$50,000). However, state bid laws do not apply to the following, and the following type contracts are exempt from bidding:

1. any contract for services provided by individuals or firms for consultants, audits, legal services, ambulance services, architectural services and engineering, insurance, real estate services, or auction services.
2. purchases of less than twenty-five thousand dollars (\$25,000).
3. any purchase of equipment involving the expenditure of less than fifty thousand dollars (\$50,000).

4. purchases from the lowest bidder of an item contained on the state price list. The school district may also purchase items from any vendor, if less than or equal to the state price list but must be the exact same item.
5. purchases of surplus property from another South Dakota political subdivision or the State of South Dakota.
6. equipment repair contracts.
7. communications technologies, computer hardware and software, peripheral equipment, and related connectivity.
8. published books, maps, periodicals and technical pamphlets, laboratory apparatus and appliances.
9. any purchase of supplies or services, other than professional services, from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months. The purchase utilizing another entity's bid must mirror the purchase from a contract that was "awarded" by the original bidding entity. Contracts may be utilized from any government entity, including those that are out-of-state, provided the contract was awarded by competitive sealed bids or competitive sealed proposals. A bid accepted by another governmental entity may not be utilized if the original bid specifications included a trade-in allowance.
10. amendment of change order to an existing contract for construction, reconstruction, or remodeling, provided that:
 - (1) the contract contains unit prices for the same type or class of work.
 - (2) the change or extra work is necessitated by circumstances related to soils, utilities, or unknown conditions directly affecting the performance of the work that were not reasonably foreseeable at the time the underlying contract was let and the change or extra work is necessary to the completion of the public improvement; or
 - (3) the sum of the proposed amendment or change order plus the sum of all other prior unbid amendments or change orders, exclusive of change orders issued under subdivisions (1) and (2) of this section, does not exceed the following:
 - (a) for contracts not more than five hundred thousand dollars (\$500,000), the greater of twenty-five thousand dollars (\$25,000) or fifteen percent (15%) of the base contract.

- (b) for contracts exceeding five hundred thousand dollars (\$500,000) but not more than two million five hundred thousand dollars (\$2,500,000), the greater of seventy-five thousand dollars (\$75,000) or ten percent (10%) of the base contract; and
- (c) for contracts exceeding two million five hundred thousand dollars (\$2,500,000), the greater of two hundred fifty thousand dollars (\$250,000) or five percent (5%) of the base contract.
 - 1. transportation of students. *
 - 2. any purchase by a school district of perishable food. **
 - 3. purchases of material, supplies, or equipment made at public sale or auction if the following conditions are met: (i) if purchases are made at substantial savings; (ii) competitive quotations are obtained from at least three (3) suppliers of identical or similar material and supplies; (iii) purchases are made at less than eighty percent (80%) of the average of the quotations received, and (iv) a record of the names of the suppliers, quotations received, and the procurement procedures used in purchasing shall be documented, indicated in the minutes, and retained on file.
 - 4. if, after advertising for bids, no firm bids are received, the school district may negotiate a contract for the purchase of the supplies, services, or public improvement projects at the most advantageous price, if the specifications of the original bid are met.
 - 5. if the school board determines that the supplies or services are of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the supplies or services. The determination shall be recorded in the minutes. The determination that the contractor selected is justifiably the sole source shall be based on either the uniqueness of the supplies or services or the sole availability at the location required. In such cases, the school district shall conduct negotiations, including price, delivery, and quantity to obtain the most advantageous price and shall include the written verification of the sole source in the contract file. This provision does not apply to construction services or construction equipment.
 - 6. the school district may enter into agreements with governmental entities in this or any other state or the United States government, under which any of the parties may agree to participate in, administer, sponsor, or conduct purchasing transactions under a joint agreement or contract for the purchase of supplies or contractual services. The school district may cooperate with purchasing agencies and other interested parties in any

other state or the United States government to develop uniform purchasing specifications on a regional or national level to facilitate cooperative interstate purchasing transactions.

7. any contract for the purchase of supplies from the United States or its agencies or any contract issued by the General Services Administration.
8. any contract for asbestos removal in emergency response actions.
9. purchases of real property having a particular use or benefit.
10. guaranteed energy savings contracts.
11. purchase of utility services such as electric power, lights, water, or gas.
12. raw materials used in construction or manufacture of products for resale.

** No contract for the transportation of students may exceed five years.*

*** Although state law exempts school districts from having to bid perishable foods, federal law (7CFR 3016.36 (d)), which must also be complied with when utilizing funds that come from the National School Lunch Program's school food service account, does not contain such an exemption. Federal regulations establish a tiered process whereby purchases of \$150,000 or less require that quotations be obtained from an adequate number of qualified sources. (a.k.a. simplified acquisition threshold). Contracts of greater than \$150,000 would entail a process that is publicly advertised, and bids shall be solicited from an adequate number of known suppliers. This may be accomplished by utilizing either competitive sealed bids or competitive sealed proposals. Evidence outlining the steps performed and bids/quotes received should be gathered and retained.*

Adopted Date: September 13, 2021

Legal References: SDCL 1-33B-9 (Contracts not subject to Chap 5-18 and 5-23)
SDCL 5-18A (Public Agency Procurement)
SDCL 5-18B (Procurement of Public Improvements)
SDCL 5-18C (Procurement by Local Government Units)
SDCL 5-18D (Procurement by State Agencies)
SDCL 13-16-6.1 (Bidder's agreement to state rate and schedule)
SDCL 13-20 (School district purchases and contracts)
SD Dept. of Legislative Audit (Bid Booklet)

FILE: D-28 LOCAL PURCHASING

In awarding a contract, if all things are equal, including the price and quality of the supplies or services, the school district shall give preference:

1. to a public or private nonprofit corporation geographically located in the State of South Dakota that provides services for persons with disabilities and is certified by the Department of Human Services, if the other equal low bid or proposal was submitted by a business that was not a qualified agency.
2. to a resident business if the other equal low bid or proposal was submitted by a nonresident business.
 - a. to a resident manufacturer if the other equal low bid or proposal was submitted by a resident business that is not a manufacturer.
 - b. to a resident business whose principal place of business is in the State of South Dakota, if the other equal low bid or proposal was submitted by a resident business whose principal place of business is not located in the State of South Dakota; or
 - c. to a nonresident business providing or utilizing supplies or services found in South Dakota, if the other equal low bid or proposal was submitted by a nonresident business not providing or utilizing supplies or services found in South Dakota.

In computing price, the cost of transportation, if any, including delivery, shall be considered.

A resident bidder shall be allowed a preference on a contract against the bid of any bidder from any other state or foreign province that enforces or prefers resident bidders. The amount of the preference given to the resident bidder shall be equal to the preference in the other state or foreign province.

Adopted Date: September 13, 2021

Legal References: SDCL 5-18A-25 (Preferences for services)
SDCL 5-18A-26 (Resident bidder preference)
SDCL6-1-2 (Conditions which contract with local officer permitted)

SECTION E: SUPPORT SERVICES

FILE: E-1 EMERGENCY CLOSINGS

The superintendent may close District schools or dismiss them early when hazardous weather or other emergencies threaten the health or safety of students and personnel. The superintendent may excuse all students from attending school, delay the opening hour, or dismiss students early. The superintendent may delegate this authority to another staff member in the event of his/her absence.

In making the decision to close schools, the superintendent will consider many factors, including the following principal ones that relate to the safety and health of children:

1. Weather conditions, both existing and predicted.
2. Driving, traffic, and parking conditions affecting public and private transportation facilities.
3. Actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous.
4. Inability of teaching personnel to report for duty which might result in inadequate supervision of students.

Students, parents, and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closing. When schools are closed for emergency reasons, staff members will comply with board policy in reporting for work.

Adopted Date: November 26, 2012

FILE: E-2 STUDENT TRANSPORTATION SERVICES

The major purpose of school transportation is to get students who live an unreasonable walking distance from school to school and back in an efficient, safe, and economical manner. Other purposes include the provision of transportation for academic field trips in direct support of the curriculum, and transportation for support of the co-curricular program (athletics, music, drama, etc.).

Transportation may be provided to and from school for children grades pre-K–12 who live within the five-mile radius of the school. Bus service will be provided for students within these boundaries if the board determines it is economically efficient and is justifiable in terms of student safety.

Students who reside more than five (5) miles from the school of assignment and who do not have access to the bus service furnished by the District will be entitled to transportation or board and room allowance in accordance with state law.

The transportation of students with special needs, when transportation is identified as a related service on the student’s IEP, will be in accordance with the specifications of their educational plans and will be arranged by the transportation supervisor.

Adopted Date: November 26, 2012

Legal References: SDCL 13-29-19, 13-29-20; 13-30-1 through 13-30-4; ARSD
24:05:27:03

FILE: E-3 SCHOOL BUS SCHEDULING AND ROUTING

The transportation supervisor will conduct studies of bus routes to provide the safest, shortest routes that will get all children to school in the most economical way. Routes will be arranged in such a way as to equalize as nearly as possible the length of routes and busloads and to provide for the full use of buses.

When practical, safe, timesaving, and economical transfers may be made from one bus to another. Bus routes will not overlap unless necessary. When more than one bus travels on an arterial highway, each bus will be assigned a certain portion of the route and all children within this section will ride the bus to which they are assigned. Only one bus will cover one road unless overloading occurs.

Buses will not go off the main route to pick up children. Children may not get off the bus until reaching their residence or other location approved by the school and the parent/guardian.

Adopted Date: November 26, 2012

FILE: E-4 SPECIAL USE OF SCHOOL BUSES

Although the regular transportation of students to and from school will always be given first priority, school buses may also be used to take students to and from school-sponsored activities. The transportation supervisor will work with the appropriate school administrators to establish regulations governing transportation for special District programs.

Adopted Date: November 26, 2012

SECTION F: PERSONNEL

FILE: F-1 PERSONNEL POLICY GOALS

The board recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a continually improving educational program. The board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff. The board's specific personnel goals are:

1. To recruit, select, and employ the best-qualified personnel to staff the school system
2. To provide staff compensation and benefits programs sufficient to attract and retain qualified employees
3. To provide programs for all employees to improve their performance and the overall rate of retention and promotion
4. To conduct an employee appraisal program that will contribute to the continuous improvement of staff performance
5. To effectively deploy personnel
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction
7. To help all employees realize that the efficient and courteous performance of their assignment has a positive impact on the public support of education in the District

Adopted Date: November 26, 2012

FILE: F-2 EQUAL OPPORTUNITY EMPLOYMENT

The board subscribes to the fullest extent to the principle of the dignity of all people and their labors and will take action to ensure that applicants are employed, assigned, and promoted without regard to their age, race, creed, color, sex, marital status, political affiliation, or national origin. Every available opportunity will be taken to assure that each applicant for a position is selected based on qualifications, merit, and ability.

Adopted Date: November 26, 2012

FILE: F-3 STAFF ETHICS

All staff members have a responsibility to familiarize themselves with and abide by the laws of the state as these affect their work, the policies of the board, and the regulations designed to implement them. An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, all employees of the District are expected to maintain high standards in their school relationships. In the area of personal conduct, the board expects that teachers and others will conduct

themselves in a manner that not only reflects credit to the school district but also sets forth a model worthy of emulation by students.

All staff members are expected to carry out their assigned responsibilities with conscientious concern. Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which will be required of all personnel:

1. The maintenance of just and courteous professional relationships with students, parents, staff members, and others.
2. The maintenance of their efficiency and knowledge of the developments in their fields of work.
3. The transaction of all official business with the adequately designated authorities of the school district.
4. The establishment of friendly and intelligent cooperation between the community and the school district.
5. Favorable representation of the school district at local events that are in recognition of the schools' contributions to the community.
6. The placement of the welfare of children as the first concern of the school district; thus, appointments to positions and promotion must be based solely on merit. The use of pressure on school officials for appointment or promotion is unethical.
7. Restraint from using school contracts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind.
8. Directing any criticism of other staff members or any department of the school district toward the improvement of the school district. Such constructive criticism is to be made directly to the particular school administrator who has the administrative responsibility for improving the situation and then to the superintendent if necessary.
9. Adherence by all staff members to the South Dakota Professional Teachers Practices and Standards Commission Code of Professional Ethics.
10. Adherence by administrators to the South Dakota Professional Administrators Practices and Standards Commission Code of Ethics.
11. Faithfulness and promptness in attendance of work.
12. Support and enforcement of policies of the board and regulations of the school administration regarding students.
13. Diligence in submitting required reports promptly at times specified.
14. Care and protection of school property.
15. Concern for and attention to their own and the school district's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-4 STAFF CONFLICT OF INTEREST

Employees of the board will not engage in nor have a financial interest, directly or indirectly, in any activity that conflicts (or raises a reasonable question of conflict) with their duties and responsibilities in the school system.

Employees will not sell textbooks, instruction supplies, equipment, reference books, or any other school products to the schools in the District. They will not furnish the names of students or parents to anyone selling these materials.

The superintendent or chief executive officer, the business manager or chief financial officer, and other persons with authority to enter into a contract or spend money in an amount greater than five thousand dollars (\$5,000) shall also comply with Policy A-6, Conflict of Interest Disclosure and Authorization.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-5 EMPLOYEE DRESS CODE

One of the McLaughlin School District's main objectives is that employees present themselves in a manner that promotes a positive and productive school environment, personal pride, and academic success. Business casual dress and proper grooming will be the norm for the McLaughlin School District.

Inappropriate clothing and appearance are disruptive to the school program. The principals and superintendent shall enforce compliance with this policy.

Violations of this Policy: The employee will be required to cover or change the article of clothing.

Non-negotiables:

1. Clothing encouraging the use of drugs, alcohol, violence, or referring to sexual conduct is not permitted.
2. Clothing associated with discrimination based on age, color, handicap, national origin, marital status, race, religion, politics, or sex is not permitted.
3. Clothing with holes is not permitted.
4. Hooded sweatshirts are not permitted (McLaughlin School District gear is exempt).

Exemptions to the Dress Code Policy: Exceptions to the business casual dress will be physical education faculty, custodial, transportation, and food service. The superintendent may permit additional exceptions to the Dress Code Policy upon appropriate documentation.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-6 EMPLOYEE COMMUNICABLE DISEASES

The board recognizes its responsibility to provide a clean and healthy environment for students and school employees. The determination of whether an infected employee be excluded from work activities shall be made on a case-by-case basis, under the direction of the principal/building administrator or designee.

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

1. A representative from the state health department;
2. The employee's physician;
3. The employee and/or designee;
4. The school health service's supervisor;
5. The superintendent or designee; and
6. Other appropriate school personnel.

In making the determination, the advisory committee shall consider:

1. The physical condition of the school employee;
2. The expected type(s) of interaction with others in the school setting;
3. The impact on both the infected school employee and others in that setting;
4. The South Dakota Dept. of Health guidelines and policies;
5. The status of certification the employee as is promulgated in SDCL I3-43-3 and SDCL I3 43-3.3;
6. The recommendation of the County Health Officer, which may be controlling;
7. Information regarding the infected employee, which is deemed part of his/her personnel records and is therefore classified as "Confidential" as required by SDCL I-27-3.

The advisory committee may officially request assistance from the State Dept. of Health. If employment of an infected employee is to be interrupted or discontinued, the employee will be entitled to use available medical leave and receive available benefits.

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

Adopted Date: November 26, 2012

FILE: F-7 EMPLOYEE HEALTH AND COMMUNICABLE DISEASES

Pursuant to SDCL 13-43-60, if at any time there is reasonable cause to believe that an employee is suffering from a mental or physical condition that could be detrimental to the health or safety of the employee, any student, or any other employee, the superintendent may require a certification of health. The expense of obtaining such certifications of health shall be borne by the school.

Disease and Incubation*

Period Rules for Work Attendance

Acquired Immune Determination – should be made by Deficiency Syndrome the team process as outlined in (AIDS) the Communicable Disease Policy. 6 months to five years The State Dept. of Health guidelines on AIDS shall be used as references.

Chicken Pox – The employee may attend work 14-21 days after all pox is dry and scabbed.

Cytomegalovirus – The employee may attend work. (CMV) Salivary Precautions should be taken by Gland Viruses contacts with immunosuppressants as anti-cancer or organ transplants as well as anyone with suspected or known pregnancy. Proper handwashing in all cases should eliminate the risk of transfer of infection.

Herpes Simplex – The employee may attend work 2-12 days during an active case. Proper handwashing, in all instances, should eliminate the risk of transfer of infections.

Giardiasis – The employee may attend work. Infectious Enteric Food handlers must remain at home Diseases until they have three negative 5-25 days or longer stool specimens. Proper handwashing in all cases should eliminate the risk of transfer of infection.

Impetigo – The employee may attend school if under treatment and dry, a variable of 4-10 days

Infectious Hepatitis – The employee may attend work as directed by the physician. 15-40 days average, 25 days appropriate personal hygiene precautions should eliminate risk of transfer of infection.

Measles – (Red, Hard, Rubella, 7-day) the employee may attend work after a minimum of seven days. 8-14 days Employees who have had contact with measles may attend work if the employee has had the measles or if immunization is up to date.

Infectious Mononucleosis – The employee may attend work as directed by the physician. (Glandular Fever) 2-6 weeks.

Mumps – 12-21 days. The employee may attend work after swelling has disappeared.

Pediculosis – (Lice, Crabs) the employee may attend work after the treatment.

Pink Eye – The employee may attend work. (Conjunctivitis) after the eye is clear, under 5-12 days treatment, or with the physician's written permission.

Plantar's Warts – The employee may attend work.

Ring Worm – The employee may attend work. (Scalp, Body, if the area is under treatment. Athlete's Foot)

Rubella - The employee may attend work. (3-day, German measles) after a minimum of four days. 14-21 days Prevent exposure of pregnant women

Scabies The employee may attend work after treatment.

Streptococcal In-Infections (Scarlet Fever, Scarletina, and Strep Throat) he employee may attend work 24 hours after initiation oral antibiotic therapy, clinically well. 1-3 days

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

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-8 USE OF ALCOHOL AND OTHER DRUGS BY EMPLOYEES (Drug-Free Workplace)

Student and employee safety is a paramount concern to the school board. Employees under the influence of alcohol and/or other drugs are a serious risk to themselves, students, and other employees. Therefore, the school board will not tolerate the unlawful manufacture, use, possession, sale, distribution, or being under the influence of alcohol and/or other drugs. Any employee who violates this policy will be subject to disciplinary action, which may include dismissal and referral for prosecution. Each employee of the District is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the superintendent any criminal alcohol and/or other drug statute convictions for any alcohol and/or drug violation. Such notification must be made by the employee to the superintendent no later than five (5) days after the conviction.

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

All employees will attend District alcohol and/or drug-free awareness programs at which employees will be informed about the dangers of alcohol and/or drug use/abuse; this policy of maintaining an alcohol and/or other drug-free environment; available alcohol and/or other drug counseling; rehabilitation programs; and the disciplinary sanctions that may be imposed upon employees for alcohol and/or other drug use/abuse violations. The information will be disseminated to each employee via written and oral communication.

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

When a staff member has consumed alcoholic and/or illegal drugs off school property and/or before school activity, the staff member will not be allowed on school property or to participate in school activities. Staff members who violate this regulation will be subject to the same disciplinary sanctions as for possession or consumption on school property.

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

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

Adopted Date: November 26, 2012

Legal Reference: Public Law 100-690

FILE: F-9 STAFF GIFTS AND SOLICITATIONS

Gifts: Students, parents, and other District residents and taxpayers will be discouraged from the presentation of gifts to teachers and other district employees. The routine giving of gifts to teachers by students — or to students by teachers — will be permitted at Christmas. Gifts may be presented at other special times, birthdays, weddings, etc. Any gifts to be presented to departing employees by their respective groups will be at the discretion of the group involved.

Solicitations: The superintendent will annually approve all solicitations that are to be permitted in the schools. No organization may solicit funds of staff members in the schools, nor may anyone distribute fliers or other materials related to funding drives through schools, without the approval of the superintendent.

Employees may not be engaged in the sale of products to the schools, even if the proceeds of such transactions are intended for charitable or civic purposes, nor will staff members collect any money or distribute any fundraising literature without the express approval of the superintendent.

Adopted Date: November 26, 2012

FILE: F-10 SMOKING ON SCHOOL PREMISES

The school board recognizes that smoking represents a health and safety hazard, which can have severe consequences for the smoker and nonsmoker and the safety of the District. To protect the students, staff, employees, visitors, and guests of the District from an environment that may be harmful to them, and because of possible harm to personal well-being, the board hereby prohibits smoking by staff members, employees, visitors, or guests in all District buildings, on grounds, and in all school vehicles at all times.

For this policy, "smoking" will mean all uses of tobacco, including cigars, chewing tobacco, cigarettes, pipes, and electronic nicotine delivery devices (e-cigarettes), which may not contain tobacco.

It is understood that this policy will be in addition to other board policies concerning the prohibition of smoking by students on school property and buses.

This smoking prohibition will be in effect for regular school hours. Provided classes are not in session; the use of tobacco products on school property outside the building/facility shall be permitted only in designated areas during a school athletic contest or fine arts performance.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-11 MILITARY LEAVE

Employees of the District who qualify under the Uniform Employment and Reemployment Rights Act (USERRA) shall receive all leave, benefits, and protections afforded by that Act. Employees requesting military leave will provide notice and documentation to the District as required by USERRA. An employee shall be granted military leave for service in the uniformed services of the United States upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and any applicable collective bargaining agreement. A service member who returns to the District for work following a period of active military duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law. Reemployment of a person is excused if an employer's circumstances have changed so that the reemployment of the person would be impossible or unreasonable. A reduction-in-force that would have included the person would be an example.

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. All requests for military leave will be submitted to the superintendent or superintendent's designee accompanied by copies of the proper documentation showing the necessity for the military leave request.

To qualify for USERRA's protections, a service member must be available to return to work within specified time limits. These time limits for returning to work depend (with the exception of fitness-for-service examinations) on the duration of a person's military service.

1. If the length of service was thirty (30) days or less, the person must report to the District by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service after allowance for safe travel home from the military duty location and an eight (8)-hour rest period.

2. If the length of service was thirty-one (31) days to one hundred eighty (180) days, an application for reemployment must be submitted to the employer no later than fourteen (14) days after completion of a person's service. If the submission of a timely application is impossible or unreasonable through no fault of the person, the application must be submitted as soon as possible on the next day when applying becomes possible.
 - a. If the length of service was one hundred eighty (180) days or more, an application for reemployment must be submitted to the employer no later than ninety (90) days after completion of a person's military service.
 - b. Disability-related service: The reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service. The two (2) years will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two (2) years impossible or unreasonable.
 - c. Unexcused delay: A person's reemployment rights are not automatically forfeited if the person fails to report to work or to apply for reemployment within the required time limits. In such cases, the person will be subject to the employer's established rules governing unexcused absences.

Individuals performing military duty of more than thirty (30) days may elect to continue employer-sponsored health care for up to twenty-four (24) months; however, the individual is required to pay one hundred two percent (102%) of the full premium. For military service of fewer than thirty-one (31) days, health care coverage is provided as if the service member had remained employed. South Dakota Retirement System shall be done according to USERRA and SDRS requirements.

Military leave shall be leave without pay.

Adopted Date: November 26, 2020

Revised: August 18, 2020

Legal References: 38 USC 4301, USERRA, SDCL 3-12-86

FILE: F-12 PROFESSIONAL STAFF HIRING

All professional staff members of the District will be appointed by the board upon the recommendation of the superintendent. Should a person nominated by the superintendent be rejected by the board, it will be the superintendent's duty to make another nomination. The superintendent will assure that all persons nominated for employment meet state certification requirements and the qualifications established for the position.

Interviewing and selection procedures will assure that the principal or other administrator to be directly responsible for the work of the staff member has an opportunity to aid in the selection; however, the final recommendation to the board will be made by the superintendent.

Candidates will be hired with a personal interview, or Skype may be used.

All candidates will be considered based on their merits, qualifications, and the needs of the District. In each instance, the board will seek to hire the best-qualified person for the job. The superintendent may send a contract to the potential employee, but the contract is not finalized until the employee signs and returns it and the board then approves the contract.

Adopted Date: November 26, 2012

Legal References: SDCL 3-3-1; 13-10-2; 13-13-17; 13-42-1 through 13-42-24; 13-43-4 through 13-43-6.6; 13-43-7.1; ARSD Chapter 24:02

FILE: F-12.1 VETERAN'S PREFERENCE

If a veteran possesses the qualifications necessary to discharge the duties of the position involved, the veteran shall receive preference for employment and promotion. For this policy, the term "veteran" means any person who:

- (1) has served the full obligation for active duty, reserve, or National Guard service in the military, or received an early discharge for a medical condition, hardship, reduction in force, or at the convenience of the military; and
- (2) has been separated or discharged from such service honorably or under honorable conditions.

To determine whether the veterans' preference applies, each applicant for employment shall complete an employment application on which the applicant is asked if the applicant is a veteran. All veterans are subject to criminal background check requirements, as outlined in state law.

Age, loss of limb, or other physical impairment which does not incapacitate does not disqualify the veteran. A veteran who has a service-connected disability shall be given preference over a non-disabled veteran.

The unmarried spouse of a veteran who died while in service, or later died from a service-connected cause, is entitled to the preferences given to the veteran if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved. If a veteran disabled due to a service-connected cause is unable to exercise the right to a veteran employment preference due to the disability, the veteran's spouse is entitled to the

choices given to the veteran if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved.

If a veteran applies for an appointment for employment under this policy, the District shall, before employing anyone to fill the position, investigate the qualifications of the applicant. If the applicant possesses at least the minimum requirements necessary to fill the position, the officer, board, or person shall interview the applicant. However, nothing within this policy requires the school district to hire a veteran interviewed. After the hiring procedure and protocol, should a veteran and nonveteran be equally qualified for the position, the veteran shall be granted veteran's preference and shall be offered employment in the position.

A veteran may be removed for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of the employee or appointee to a review pursuant to law.

Legal References: SDCL 3-3-1 (Veterans preferred in public employment)
SDCL 3-3-4 (Restrictions on removal of a veteran from employment-hearing and review-burden of proof)
SDCL 3-3-6 (Confidential and policy-making positions exempt from the chapter)
SDCL 3-3-7 (Unmarried spouse of deceased veteran-entitlement to preference under certain conditions)
SDCL 3-3-8 (Spouse of disabled veteran-entitlement to preference under certain conditions)
SDCL 13-10-12 (Criminal background investigation)
SDCL 33A-2-1 (Veteran defined)
USC Title 38 §4301-4335 (Employment and reemployment rights of members of the Uniformed Services)

Adopted Date: August 18, 2020

FILE: F-13 SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT AND SUBSTITUTE TEACHER PAY

The employment of substitute teachers will be centralized for the District in the office of the superintendent. To the extent possible, substitute teachers must meet the requirements for teacher appointments and will be assigned substitute teaching positions based on their areas of competence. The board has set the rate of pay for substitute teachers at fifteen dollars (\$15) per hour and twenty dollars (\$20) per hour if the substitute has at least a BA/BS degree and provides documentation of said degree. Any additional benefits provided to substitute teachers are approved by the board. Principals will assume responsibility for the scheduling of substitutes from the approved list as needed. Additionally, the board has set the daily rate of pay for substitutes for classified staff at eleven dollars (\$11) per hour.

Adopted Date: November 26, 2012
Revised: August 18, 2020

FILE: F-14 STAFF DEVELOPMENT

The Continuing Education Policy for teachers is outlined in the Certified Negotiated Agreement between the McLaughlin Education Association and the McLaughlin School District Board of Education. This policy applies to professional staff members to whom the Certified Negotiated Agreement does not apply and to teaching staff to the extent it does not conflict with the Certified Negotiated Agreement.

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and school operations. The continual professional growth of all staff members on an individual basis and through planned in-service programs will be encouraged. Such opportunities may include, within budgetary limitations, specialized in-service courses and workshops, summer study grants, school visitations, and attendance at professional conferences and meetings.

The superintendent will work with other school districts, local colleges and universities, and the South Dakota Department of Education to provide in-service education for teachers. The Administration shall act regularly to:

1. Assess in-service education needs for teachers;
2. Review/develop criteria for productive in-service education activities;
3. Review/develop travel and professional leave policies;
4. Develop a calendar that includes days for in-service education;
5. Review/develop a cooperative relationship with agencies that provide in-service education;
6. Establish an in-service education committee composed of teachers and administrators;
7. Identify resources for in-service education; and
8. Assess the effectiveness of in-service education activities concerning District goals.

The superintendent will have authority to approve release time for conferences and visitations and reimbursements for expenses, provided such activities are within budget allocations. The board may authorize without loss of pay teacher attendance at an annual professional association meeting (the professional association must be in the teacher's contracted teaching area).

Adopted Date: November 26, 2012
Revised: August 18, 2020

FILE: F-15 EVALUATION OF PROFESSIONAL STAFF

Section 1 - Philosophy: The parties recognize the importance and value of a procedure for assisting and evaluating the progress and success of both non-tenured employees and tenured employees to improve teaching and student learning. A consistent and continuous system of teacher evaluation is an integral part of maintaining a high-quality program of instruction. The purpose of assessments is to improve the quality of education for the pupils of the school district. Evaluations are to be used by the administration and teachers to improve the quality of instruction and may be used in the determination of advancement, promotion, transfers, assignments, and future employment.

Section 2 – Evaluation Criteria: The MEA recognizes and acknowledges that it is the sole responsibility of the board to determine evaluation criteria and develop the evaluation instrument and that neither the evaluation criteria nor the evaluation instrument is subject to negotiations. Specific areas/principles of employee evaluation as determined by the board are:

1. Interpersonal skills
2. Content and curriculum/activity knowledge and professional growth
3. Instructional skills and techniques
4. Classroom management
5. Professional performance of contracted duties

Section 3 - Procedures for Evaluation: The evaluation procedure for teachers shall be as outlined in the MEA Certified Negotiated Agreement.

Evaluation is an ongoing process, and whenever the employee is observed during the workday by the evaluator responsible for that employee's evaluation, that the observation may be incorporated into the formal written evaluation. A formal observation occurs when the evaluator is in the classroom or activity for at least thirty (30) minutes (which may be from more than one classroom/activity visit) with the specific objective of observing and evaluating the employee. An informal observation occurs when the evaluator observes the employee when the observation is not in a formal classroom or activity observation setting.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-16 RETIREMENT OF PROFESSIONAL STAFF MEMBERS

Retirement System: All regularly employed professional staff members are participants in the State Retirement System.

Adopted Date: November 26, 2012

FILE: F-17 PRIVATE TUTORING FOR PAY

To assure all students reasonable instructional assistance without charge from their teachers and to avoid placing a teacher in a position where he/she may have a conflict of interest, teachers will not be permitted to receive money for tutoring any student they have in class or upon whose evaluation or assignments they will be called upon to pass. Teachers may not tutor any student privately for pay during their regular work hours or on school premises.

Tutoring paid by the District may be done by regular staff members during summer months, provided the student is on an IEP and individual tutoring is a part of that plan.

Summer tutoring rate will be approved by the board prior to the summer work.

Adopted Date: November 26, 2012

FILE: F-18 SUPERVISION OF STUDENTS

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

The board always expects all students to be under assigned adult supervision when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities.

School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge. In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except as an arrangement has been made to take care of an emergency.

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

Adopted Date: November 26, 2012

Legal References: SDCL 13-32-1

FILE: F-19 REPORTING CHILD ABUSE

Any teacher or other school employee who suspects that a child under eighteen (18) years of age has been neglected or physically abused (including sexual or emotional abuse) by a parent or other person will report orally or in writing this information to the building principal or superintendent. The principal or superintendent should immediately report this information to

the state's attorney, the department of social services, the county sheriff, or law enforcement. The teacher or other school employee who witnessed the disclosure or evidence of the abuse or neglect must be available to answer questions when the initial report is made. If the principal or superintendent does not confirm to the teacher or other employee within twenty-four (24) hours that action has been initiated, the employee will report this information directly to the proper authorities.

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

School employees, including administrators, will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school employees to investigate or prove that the child has been abused or neglected nor to determine whether the child requires protection; their responsibility is only to report their suspicions of abuse or neglect.

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

Any personal interview or physical inspection of the child should be conducted in a considerate, professional manner. Information or records concerning reports of suspected abuse or neglect are confidential. The release to persons other than those provided by law is punishable by a two thousand dollar (\$2,000) fine, one (1) year in jail, or both. Failure to make a report where abuse or neglect is suspected is subject to the same punishment.

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

Adopted Date: November 26, 2012

Revised: August 18, 2020

Legal References: SDCL 26-8A-3; 26-8A-6 through 26-8A-15

FILE: F-20 CONTRACTS

All contracts with certified personnel employed by the board shall be in writing and signed by the president of the board and the business manager.

The contract shall specify the approximate date at which time school shall begin, the term of employment, and the wages per year, per month, and for the number of months.

A health certificate must be made part of the school record before a contract is certified.

Adopted Date: November 26, 2012

FILE: F-21 CONTRACT LIQUIDATION DAMAGES

If the teacher initiates the termination of the contract before its termination date, the school district may withhold any monies due to the teacher or collect from the teacher:

1. The sum of two hundred dollars (\$200.00) as liquidated damages if such termination occurs during June,
2. The sum of four hundred dollars (\$400.00) if such termination occurs during the month of July, or
3. The sum of eight hundred dollars (\$800.00) if such termination occurs after August 1.

It is hereby agreed that the amounts herein specified are fair and reasonable damages for the breach of contract as provided in SDCL 53-9-5.

Adopted Date: November 26, 2012

Revised: August 18, 2020

FILE: F-22 SUPPORT STAFF FRINGE BENEFITS

Benefits, in addition to basic salary, are recognized as an integral part of total compensation for support staff members.

Benefits for support staff members will include coverage as required by law (including social security, SD Retirement System, and worker compensation).

All support staff members who are regularly employed for at least twenty (20) hours per week and who meet the provisions of the insurance carrier's underwriting requirements will be entitled to participate in the District's group insurance program, which includes medical and gap, dental, vision, and life coverage. The District's contribution toward the payment of the premiums, if any, shall be set by the board, and a factor to be considered by the board is whether the support staff employee is employed over twelve months, only during the school year or for some other length of time.

Paid Time Off: Classified employees employed for the school year, approximately nine (9) months, shall receive one hundred thirty-six (136) hours of Paid Time Off (PTO), which is the equivalent of seventeen (17) days at eight (8) hours per day, with the exception of bus drivers employed for the school year, approximately nine (9) months, shall receive sixty-eight (68) hours of PTO, which is the equivalent of seventeen (17) days at four (4) hours per day. Classified

employees employed twelve (12) months out of the year shall receive one hundred thirty-six (136) hours of PTO which is the equivalent of seventeen (17) days at eight (8) hours per day.

Certified employees shall receive PTO as set forth in the Certified Negotiated Agreement.

Administrative employees shall receive one hundred thirty-six (136) hours of PTO, which is the equivalent of seventeen (17) days at eight (8) hours per day.

If employment begins after the school year has commenced, PTO will be prorated based on number of days worked in a contract period.

Paid Time Off Bank: All employees (except teachers whose PTO leave policy is found in the MEA Certified Negotiated Agreement) who sign an intent-to-return contract and are in their second year of employment will transfer unused Paid Time-Off (PTO) to their personal PTO Bank in June of every year. A maximum of three hundred sixty (360) hours (forty-five (45) days at eight (8) hours per day) of PTO can be transferred into the Bank. Once the Bank has been filled, any remaining unused PTO is paid at the rate of seventy-five (\$75) per day for classified employees and one hundred dollars (\$100) per day for administrative employees.

When an employee will not be returning and has completed the term of their contract, unused PTO will be paid at the rate of seventy-five dollars (\$75) per day for classified employees and one hundred dollars (\$100) per day for administrative employees.

The personal PTO bank can be redeemed at the end of employment at the rate of thirty-seven dollars and fifty cents (\$37.50) per day for classified employees and fifty dollars (\$50) per day for administrative employees.

Vacation: Classified employees employed twelve (12) months out of the year shall receive eighty (80) hours of vacation, which is the equivalent of ten (10) days at eight (8) hours per day. When the classified employee has been employed for ten (10) years, they shall receive one hundred twenty (120) hours or fifteen (15) days of vacation. Administrative employees receive one hundred sixty (160) hours, or twenty (20) days of vacation each year.

Vacation is established on July 1 of every year. Employees who receive vacation days have until September 30 every year to use their remaining vacation or it will be relinquished. The board reserves the right to grant or deny redemption of unused vacation at the request of the employee. If unused vacation is approved for redemption by the board, it will be redeemed at the hourly rate of that employee.

Paid holidays are New Year's Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Native American Day, Veterans Day, Thanksgiving, Christmas Eve and Christmas Day, unless school is in session.

The District shall adhere to FMLA (Family Medical Leave Act) to the extent applicable to support staff employees.

Adopted Date: November 26, 2012
Revised: August 18, 2020

FILE: F-23 SUPPORT STAFF RECRUITING/HIRING

The board will establish and budget for support staff positions in the school district based on need. The recruitment and recommendation to the school board for employment of candidates for these positions will be the responsibility of the superintendent. All candidates will be considered based on their merits and qualifications and the needs of the school district. A present employee may apply for any vacancy for which he/she is qualified. The superintendent will seek to recommend the best-qualified person for the job.

Subject to collective bargaining, if applicable, conditions of employment for support staff members as well as wages, hours, and other benefits will be fixed by the board upon the recommendation of the superintendent.

Nothing within school board policy, any school board motion, or any individual employee work agreement shall mean nor shall be construed or interpreted to indicate that the McLaughlin School District has waived or has relinquished its statutory right as an employee-at-will employer pursuant to SDCL 60-4-4. The board retains its statutory right to terminate an employee's employment at any time with or without cause, provided the reason for employment termination is not prohibited by state or federal law.

Adopted Date: August 16, 2020

Legal References: SDCL 3-3-1 through 3-3-6; 13-10-2; 60-4-4; SDCL Ch. 3-18.

FILE: F-24 SUPPORT STAFF TIME SCHEDULES
(Subject to the collective bargaining process, if applicable)

Subject to board approval, and the collective bargaining process, if applicable, the superintendent will set the total number of hours per week, and weeks per year, of work for classified personnel. The standard workweek for support staff personnel will be Monday through Friday, excluding legal holidays, and other exceptions and schedules may be designated by the building principal and approved by the superintendent.

The appropriate administrators will set specific work time schedules for support staff members in line with pertinent school opening and closing times, student schedules, and so on.

Adopted Date: November 26, 2012

FILE: F-25 REDUCTION IN SUPPORT WORKFORCE
(Subject to the collective bargaining process, if applicable)

The number of support staff employees may be reduced due to a change in program, a change in the size or nature of the student population, or budgetary considerations. The board will attempt to accomplish such a reduction through normal staff attrition unless the best interest of the school district dictates otherwise. In the event reduction of staff is necessary, seniority will be considered along with performance in determining employees who will be affected by either layoff or changes in position. Employees whose employment is being terminated due to a reduction in the workforce will be given not less than a two-week notice.

Adopted Date: November 26, 2012

FILE: F-26 RESIGNATION OF SUPPORT STAFF MEMBERS

Any support staff employee desiring to resign will be required to make such a request in writing to the superintendent, stating the time the employee wishes the resignation to become effective.

The superintendent will present the resignation to the board at its first meeting after the receipt of the resignation, and the board will act upon the request of the employee. The board requests at least a two (2)-week notice be given to the District by the employee to allow time for the District to try to fill the vacancy.

Adopted Date: November 26, 2012

FILE: F-27 RELEASE OF SUPPORT STAFF MEMBERS
(Subject to the collective bargaining process, if applicable)

All support staff employees are employees-at-will pursuant to SDCL 6-4-4 [employment having no specified term and which may be terminated at the will, with or without cause, by either party on notice to the other, unless otherwise prohibited by state or federal law]. No school board policy, any school board motion, or any individual employee work agreement shall mean nor shall be construed or interpreted to indicate that the District has waived or has relinquished its statutory right as an employee-at-will employer pursuant to SDCL 60-4-4. The board retains its statutory right to terminate an employee's employment at any time with or without cause, provided the reason for employment termination is not prohibited by state or federal law.

Adopted Date: November 26, 2012

FILE: F-28 SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

The board will strive to assist personnel in adjusting to their positions and to perform their duties satisfactorily. Reasonable effort will be made to avoid dismissing personnel at any level. In cases of alleged employee misconduct, insubordination, or unsatisfactory performance, he/she may be suspended with pay by the superintendent until the matter is investigated. If the charges are unfounded, he/she will be reinstated. If the allegation is substantiated, the superintendent may recommend the employee be suspended without pay for a period of time or that the employment relationship is terminated, only to be determined by the board.

Adopted Date: November 26, 2012

FILE: F-29 CHAIN OF COMMAND

It is unethical to present school problems directly to the school board without first consulting the administration.

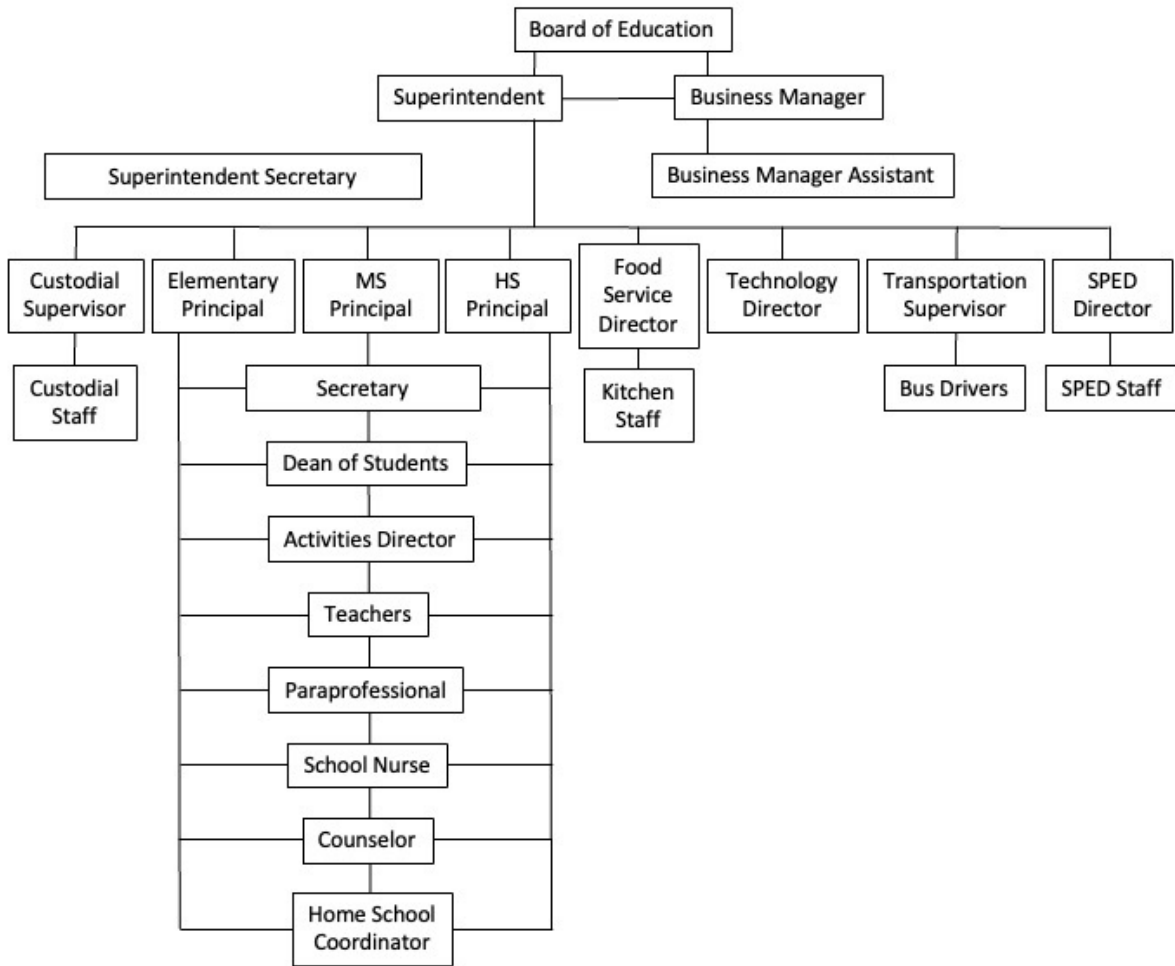
Professional difficulties must be discussed with the principal or superintendent in a way suggested by the chart determined as "The Chain of Command."

Professional difficulties may be appealed in writing to the board as a whole but only after problems have been discussed with administration. The superintendent shall not be questioned unjustifiably, or his/her authority confused by frequent and easy appeal.

If one wishes to be on the agenda for a school board meeting, one must notify the superintendent and state the purpose of meeting with the school board.

Adopted Date: November 26, 2012

CHAIN OF COMMAND



Adopted Date: November 26, 2021

FILE: F-30 EMPLOYEE USE OF PERSONAL ELECTRONIC DEVICES, E-MAILS, TEXTING, AND USE OF SOCIAL MEDIA

Technology will be used to complement and foster public education. Employee utilization of such technology must not distract from or disrupt the educational process. Proper decorum is the standard of conduct expected of all employees. That standard will apply to the use of technology and social networking sites.

The superintendent will ensure that staff members are reminded and informed of the importance of maintaining proper decorum when using technology as well as in person.

A “personal electronic device” is a device owned by the employee which is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Employee use of personal electronic devices on District property while the employee is on duty is permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent in writing.

Proscribed conduct includes:

1. No personal electronic device shall be used in a manner that interferes with staff duty and responsibility for the supervision of students.
2. Personal electronic devices shall be silenced while on duty unless otherwise authorized by the employee's supervisor.
3. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while the employee is on duty unless directly related to and consistent with the employee's assigned duties and authorized by the principal or immediate supervisor.
4. While on duty, use of personal computers, tablets, iPads, or similar devices brought to school will be restricted to school purposes.
5. No school or personal electronic device shall be used for improper fraternization with students.
6. Employees will not provide private phone numbers to students without prior approval of the District.
7. Employees will not engage in inappropriate e-mail communications or phone contact with students.
8. Employees will not post or send items containing inappropriate sexual content.
9. Employees will not post or send items exhibiting or advocating illegal use of drugs or alcohol.

Electronic contacts with students will be through the District’s technology equipment—except in the case of an emergency. When interacting with each other, District staff and students shall:

- Not include any electronic communication between staff, students, and/or parents/guardians comments or content that would not be acceptable in a face-to-face communication.
- Not disclose, use, or disseminate unauthorized personal information of another person.
- Distinguish between personal social networking sites and professional social networking sites.
- Employees shall not invite or accept current District students, except for the staff person's relatives, into any personal social networking sites.
- Evaluate all information for its accuracy, reliability, and authority.

All contact and messages by coaches or extracurricular activities personnel with team members or activity members shall be sent to all team or activity members, except for messages concerning medical or academic privacy, in which case the messages will also be copied to the athletic director and the school principal.

The South Dakota Department of Education Code of Professional Ethics, applicable to teachers, education specialists, and noncertified educators, requires employees to maintain professional relationships with students. In addition to the Code of Professional Ethics:

1. Employees, while on duty and off duty, will utilize social media websites, public websites, and blogs judiciously by not posting confidential information about students, staff, or District business.
2. Employees, while on duty and off duty, will treat fellow employees, students, and the public with respect while posting on social media websites, etc., to prevent substantial disruption in school.
3. Employees may not post images of District facilities, staff, students, volunteers, or parents without written authorization from persons with authority to grant such a release.
4. Communication with students using personal electronic devices will be appropriate and professional.
5. Communication with students using personal electronic devices regarding non-school-related matters is prohibited during work hours and strongly discouraged at all other times.
6. If communicating with students electronically regarding school-related matters, employees are to use school e-mail accounts. Texting students during work hours is prohibited. E-mailing and/or texting students while off duty is strongly discouraged.
7. Exceptions to the prohibitions set forth in this policy may be made for health, safety, or emergency reasons with superintendent or designee approval.
8. Employees are subject to disciplinary action for using a personal electronic device in a manner that is illegal or violates the terms of this policy.
9. Employee conduct on social media websites, public websites, and blogs, while on or off duty, which disrupts the school environment, is subject to disciplinary action. A "disruption" for purposes of this policy includes, but is not limited to, one or more

parents threatening to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school, and/or a threatened or actual negative impact on the learning environment.

10. The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, e-mailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies.

The administration will monitor improper use of technology and impose appropriate sanctions, including potential dismissal from employment depending on the individual circumstances. Employees have no expectation of privacy with respect to utilization of District property.

Disciplinary action may be taken against staff or students whose communications (on- or off-site) constitute a threat and cause a substantial disruption to the education environment or substantially interferes with another's rights. Referral to law enforcement may be made if the communication constitutes a threat or other similar communication.

Adopted Date: August 27, 2021

FILE: F-31 NURSING MOTHERS

The District recognizes that breastfeeding is the most healthful, natural, and economical method of infant nutrition, and it is the policy of the District to support the needs of breastfeeding mothers when they return to work.

1. Maternity leave planning will address the transition from full-time maternity leave to full-time work and the impact that this may have on breastfeeding. Generally, maternity leave is sufficient time to establish breastfeeding. Factors to include a combination of full-time and part-time maternity leave, a flexible work schedule to accommodate breastfeeding needs, and break times to use a breast pump at work.
2. Breastfeeding employees are allowed a flexible schedule for nursing or pumping with the schedule to be determined by the employee and employee's supervisor. The schedule requested by the employee will be approved unless the employee's supervisor has determined, in writing, that the requested schedule would impose an undue hardship by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the school district. Factors to determine when considering the schedule as proposed by the employee include, but are not limited to, the following: the time requested would exceed the

normal time allowed for lunch, breaks, student responsibilities at the time requested sick/personal and annual leave, and adjustment of normal work schedule.

3. The District shall provide an appropriate room, other than a bathroom, for an employee to express breast milk where:
 - a. nursing women can nurse an infant brought in during lunch or breaks;
 - b. nursing women can pump breastmilk to be stored for later use (each employee is responsible for proper storage of her milk using a personal storage cooler);
 - c. the area for breastfeeding or pumping is located where a crying infant will not be disruptive to other employees;
 - d. accessible electrical outlets for electric breast pump use and a sink close by with a clean, safe water source for hand washing and rinsing out breast pump equipment; and
 - e. a comfortable chair and a table or desk is available for pumping;

Note: Section 7 of the Fair Labor Standards Act (29 USC 207) states the following:

(r)(1) An employer shall provide-

- A. a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has a need to express the milk; and*
- B. a place other than a bathroom that is shielded from view and free from intrusion from coworkers and the public which may be used by an employee to express breast milk.*

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs less than fifty (50) employees shall not be subject to the requirements of this subsection if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

(4) Nothing in this subsection shall preempt a state law that provides greater protections to employees than the protections provided for under this subsection.

Adopted Date: August 18, 2020

Legal References: SDCL 25-5-35 (Breastfeeding permitted in certain locations)
USC Title 29 §207(r)(2) (Break time for nursing mothers provision)

FILE: F-32 EMPLOYEE DISCIPLINE POLICY

Purpose

McLaughlin School District's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. Outlined below are the steps of McLaughlin School District's progressive discipline policy and procedures. McLaughlin School District reserves the right to combine or skip steps depending on the facts of each situation and/or the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the employee's work record; the impact the conduct and performance issues have on the District; and state law. Nothing in this policy provides any additional contractual rights that may be provided through collective bargaining agreements regarding employee discipline nor should anything in this policy be read or construed as modifying or altering the employment relationship between McLaughlin School District and its employees.

Procedure

Step 1: Counseling and verbal warning

Step 1 creates an opportunity for the immediate supervisor to bring attention to the existing performance or conduct issue. The supervisor should discuss with the employee the nature of the problem and/or the violation of School District policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or to otherwise resolve the issue.

Within five (5) business days, the supervisor will prepare written documentation of the verbal counseling or warning. The employee will be asked to sign this document to demonstrate his or her understanding of the issue and the corrective action.

Step 2: Written warning

Step 2 written warning involves more formal documentation of the performance or conduct and issues and consequences.

During Step 2, the immediate supervisor will meet with the employee to review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans. The supervisor will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

Step 3: Suspension and final written warning

Some performance or conduct incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace (including, but not limited to, potential safety issues). When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee with or without pay pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from a next-level administrator.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full day increments consistent with federal, state, and local wage and hour employment laws. Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. School District administration will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of any wrongdoing.

Step 4: Recommendation for termination of employment

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, McLaughlin School District will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, McLaughlin School District reserves the right to combine and/or skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, classified employees may be terminated pursuant to the applicable provision of the collective bargaining agreement, if any, without prior notice or disciplinary action as allowed by law. Certified staff may be terminated as allowed under South Dakota law (SDCL Chapter 13-43).

Appeals Process

Certified staff will be provided due process rights in connection with termination as provided by South Dakota law (SDCL Chapter 13-43). Other District employees will have the opportunity to present information to dispute information administration has used to issue disciplinary action within five (5) days after notification of the intent to impose discipline. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution.

Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to this progressive discipline policy and procedures and may result in immediate termination. Such behavior may be reported to local law enforcement authorities. Similarly, theft, substance abuse, intoxication, fighting, and other acts of violence at work, or otherwise in the course and scope of employment (e.g., district-sponsored events), are also not subject to progressive discipline and may be grounds for immediate termination.

Documentation

The employee will be provided copies of all progressive discipline documentation. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

Adopted Date: August 27, 2021

SECTION G: INSTRUCTION

FILE: G-1 INSTRUCTIONAL GOALS

The educational program of the District will be designed to perpetuate and develop principles and values for life in our democratic society. To this end, the board will provide opportunities and training so students may become educated Americans who are physically strong, morally and spiritually responsible, and economically capable. Through guidance and by example, our students should develop self-confidence, self-understanding, and respect for others. They should acquire skill in solving problems they will encounter and demonstrate a desire to gain new knowledge. In substance, the aim of our schools will be to assist in the development of the complete person, recognizing that this is a shared responsibility with the home, the church, and other agencies.

To achieve these ideals, the board recognizes the necessity of meeting the needs of the individual and society. Thus, the curriculum must be flexible and adapted to individual abilities and differences. It must also be adjustable to changing conditions in order that our students may be academically, physically, socially, and morally prepared to progress.

The board recognizes its responsibility to develop an educational program that will provide:

1. An environment in which the individual student is prepared to fulfill his moral, social, political, economic, and cultural responsibilities to the community, nation, and world.
2. Attention to development and practice in the fundamental skills of reading, writing, speaking listening, observing, and reasoning.
3. School experiences in democratic living to enable a student to hold, to share, to cooperate, and to assume responsibility in family living and in society.

4. Opportunities for acquiring an understanding of the principles of physical health and safety which will carry over to the student's daily life.
5. An appreciation and knowledge of the cultural, scientific, and ethical aspects of our society.
6. An educational atmosphere that will enhance the student's mental, emotional, and social development.

The board recognizes its obligation to provide the necessary equipment, instructional materials, and staff to facilitate the implementation of this philosophy.

Adopted Date: November 26, 2012

FILE: G-2 SCHOOL YEAR – SCHOOL CALENDAR

The school calendar for the ensuing year will be prepared by the superintendent and submitted to the board for approval prior to July 1 of each year. The school calendar will meet or exceed the minimum number of instructional hours required by law.

The calendar sets forth the days schools will be in session, holidays and vacation periods, in-service training days, teacher orientation days, and days of reports to parents, and other such designations as the superintendent or board deems appropriate.

Adopted Date: September 13, 2021

FILE: G-3 CURRICULUM DEVELOPMENT

Rapid social change, technological development, and expansion of knowledge are facts of contemporary life. Public education must respond appropriately. Therefore, it is imperative that individual schools, the school system as a whole, and the board continuously review and evaluate existing programs and practices, and adjust, modify, or change them as found advantageous in effectively meeting the needs of students and the expectations of the community. Therefore, the board expects:

1. The administration and faculty to be perpetually sensitive to changing conditions that may require changes in curriculum.
2. All programs to be under continuous evaluations to see that they meet the needs of children.
3. The school system to undertake intensive curriculum evaluation and revision in certain areas from time to time as the need for this is demonstrated.

The board will hear regular reports on District programs and ongoing curriculum study and revision. It will consider recommendations of the staff for intensive curriculum study and may

authorize the establishment of task forces to work in particular areas. It will also be receptive to the desires of parents and students in considering changes in the curriculum.

As found desirable, the board may appoint advisory committees and/or ad hoc board committees to join with the faculty in examining desirable changes in particular areas.

Recommendations for curriculum changes submitted through appropriate channels will be acted upon by the board. The curriculum will always be prescribed by the board in accordance with state requirements.

Adopted Date: November 26, 2012

FILE: G-4 CITIZENSHIP EDUCATION

It is a prime responsibility of the District to help students understand, appreciate, and feel a responsibility to perpetuate our American heritage, customs, traditions, and ideals. Therefore, the board directs that students will be instructed in the history and the Constitution of the United States, the history and Constitution of the state of South Dakota, and the general principles of free government so they comprehend the rights, duties, and dignity of American citizenship.

Adopted Date: November 26, 2012

**FILE: G-5 HUMAN RELATIONS EDUCATION
(Moral/Character Instruction)**

Although the home and the church, as well as other community institutions, play an important role in contributing to the moral attitude of students, the board recognizes that the schools may also influence a student's attitude and thinking.

The District will provide special character instruction intended to impress upon the minds of students the importance of truthfulness, temperance, purity, self-discipline, self-respect, sexual abstinence, AIDS instruction, public spirit, patriotism, citizenship, respect for honest labor, obedience to parents, respect for the contribution of minority and ethnic groups to the heritage of South Dakota, regard for the elderly, and respect for authority.

In developing curriculum for various courses, the superintendent/chief executive officer (CEO) and the professional staff will keep in mind lessons which can contribute to the character instruction of the students. In addition, through the performance of their own activities, staff members should keep in mind that they serve as role models for the students and instruct students in these areas.

The board will encourage parents and other community members to join them in providing guidance to students to enable them to develop their own code of ethics.

Adopted Date: November 26, 2012

Legal References: SDCL 13-33-6.1

FILE: G-6 PHYSICAL EDUCATION

The board will attempt to provide students with an opportunity for wholesome and enriched educational experiences. It is the board's belief that the following basic aims and objectives of the physical education program will contribute to this goal by:

1. Aiding the development of the entire student so that a well-trained mind may function properly in a healthy body.
2. Encourage student participation in vigorous physical activity while in school and to teach the skills of those activities in everyday life.
3. Increasing appreciation of physical fitness and its importance in regard to good health.
4. Impressing upon students the importance of integrating one's mind, body, and attitude in preparing to face the obligations of a complex society.

Only in rare cases will students be exempt from physical education classes. School personnel have the responsibility for determining the activities appropriate for each student.

Adopted Date: November 26, 2012

FILE: G-7 TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

The board views with grave concern the serious implications of drug, alcohol, and tobacco use by people, specifically young people, all over the United States and especially in the school district. In keeping with its primary responsibility—the education of youth—the board charges the professional staff of the District to continue to investigate the causes of student and school staff involvement with drugs and alcohol and to develop suitable preventive measures however and whenever feasible.

The board and the professional staff will continue to seek ways to educate students and school staff of the District about the dangers of the illegal use of drugs and the abuse of alcohol; they will support the majority of our students and staff who are resisting such use. Instructional units will include sessions about the causes and effects of drugs and alcohol abuse, especially in young people.

The following objectives must be realized if the goal of minimizing drug and alcohol abuse is to be achieved:

1. Students must be encouraged to identify the problem and its causes and to organize to solve it.
2. Students should understand the nature of legal and illegal drugs.
3. Students should be encouraged to develop a set of values and behavioral insights which will give them a deeper understanding of themselves and society.
4. Students should be encouraged to identify the variety of alternative forms of behavior, other than drug or alcohol abuse, which are available to satisfy their needs.
5. Students should be encouraged to make constructive decisions concerning the use of drugs and alcohol.

Adopted Date: November 26, 2012

FILE: G-8 PROGRAMS FOR CHILDREN WITH DISABILITIES

In keeping with the philosophy that a public school system is responsible for the education of all children within the community and, further, that every child is entitled to equal education opportunity, the board will provide programs and services designed to meet the individual needs of children with disabilities. The ultimate goal of these programs will be to have children with handicapping conditions become as self-sufficient as their handicaps permit and to increase their life options and opportunities for personal liberty, happiness, and participation in our society.

Seeking out young children with a disability so that they may receive special instruction in early childhood is part of this responsibility. The purpose of identifying these and older children and their handicaps is not to categorize them as handicapped but to determine and provide the most appropriate education possible for each one.

The board believes that most children with disabilities can be educated in the regular school program if they are given special instruction, accommodations, and the support they need. These children should also be given opportunity to participate in the school's nonacademic and extracurricular activities. However, the board recognizes that the needs of certain children are so great that special programs, services, or facilities are not possible within the District's schools, the District will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the board that the schools work closely with parents in designing and providing programs and services to children with disabilities. Parents must be informed, and conferred with, whenever a child is referred for diagnosis of learning disability or other handicap. In the event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents must be accorded the right of due process. The schools

must also obtain parental consent before releasing the child's records to anyone other than a school official.

The board will secure properly trained personnel to work with children with disabilities. The financial commitment necessary to meet the needs of all children with disabilities is extensive, and the board, in accordance with state law, will include an amount in the District tax levy not to exceed two mills, which will be earmarked as the special education fund, to meet the needs of children who require special or prolonged assistance. In addition, the board will seek other available funding for these programs.

Development of an Individual Education Program (IEP): A local placement committee will be comprised of parents, the child when appropriate, the superintendent or designee, a regular classroom teacher receiving or referring a child, an educator from the field of special education, and, if necessary, an evaluator to interpret the multidisciplinary data. This committee will be responsible for the identification of handicapped children, diagnosis of handicaps, design of an individual education program (IEP), and placement and evaluation procedures. All procedures will be in accordance with federal and state requirements. The individual plan determined by the local placement committee will be developed in accordance with each child's individual needs. The IEP will be approved by the local placement committee. The plan will provide for frequent reevaluation of the child's needs, progress, and the effectiveness of the program being offered.

Adopted Date: November 26, 2012

FILE: G-8.1 LIMITED ENGLISH PROFICIENCY INSTRUCTION

The school board will provide a program of language instruction to students who have limited proficiency. Student participation in any language instruction program or instruction in English as a second language is voluntary and requires written parental permission.

Students who meet any one or more of the following criteria shall be identified as being limited in English proficiency:

A student who:

1. Was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant.
2. Is Native American or Alaskan Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

3. Is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant.
4. Who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to team successfully in classrooms where the language of instruction is English or to participate fully in our society.

TUTORIAL PROGRAMS

Students who are certified to receive educational services through the State Migrant Education Department in cooperation with the State Department of Education are offered thirty (30)-minute tutorial help during the school day in the areas of reading, math, and language arts. Criteria for eligibility include students who have moved into a district within the last six (6) years from another district or state and whose parents seek either seasonal or temporary employment in agriculture.

EVERY STUDENT SUCCEEDS ACT

If this District receives federal funding for Limited English Proficient (LEP) Programs, the following will be provided:

1. Parents will be notified of their student's placement in a language program and their options associated with that placement. Notification will include the reasons for identifying the child as LEP and the reasons for placing the child in the specified program. Notification must be made within thirty (30) days of the beginning of the school year or within two (2) weeks of child's placement into the program.
2. Students will participate in regular assessments in a manner that will yield an accurate assessment. Test waivers may be granted on a case-by-case basis for LEP students who demonstrate unusual and unique circumstances; however, students who have been educated in the United States for three (3) years are required to participate in reading/language arts assessments in English.
3. Certification that teachers in the program are fluent in English as well as other languages used in instruction (if the District receives sub-grants).
4. Evaluation of the program and the academic success and language achievement of the students in the program.

Parents will be notified of:

- A. Their child's level of English proficiency and how such a level was assessed,
- B. The status of their child's academic achievement.
- C. The method of instruction used in the program in which the child is placed and the methods of instruction used in other available programs.

- D. Information as to how the program will meet their child's educational strengths, assist him/her to learn English, and meet age-appropriate academic achievement standards.
- E. Exit requirements for the program.
- F. If the child has a disability, a statement as to how the LEP will meet the objectives of the child's IEP.

Consequences of inadequate yearly progress include notification of parents, development of improvement plans, and restructuring of programs or the District will lose federal funds.

For non-English speaking parents, the District will arrange to provide translations of this information in their native language.

Adopted Date: September 13, 2021

Legal References: USC Title 20 §6301 et. seq. (Every Student Succeeds Act)

FILE: G-9 CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The board, in the interest of affording the boys and girls attending its schools the highest level of educational experience obtainable, believes that student activities are an essential part of deliberate education in the United States. Such activities form a logical adjunct to the required or general curriculum and the elective or special curriculum. Recognizing that student activities are a legitimate part of the school program, the board has established the following criteria which all student activity programs must meet:

1. Student activities must have educational value for students.
2. Student activities must be in balance with other curricular offerings in the schools.
3. Student activities must be managed in a professional manner.

The following guidelines will govern the student activities program:

1. Student activities are those school activities that are voluntarily engaged in by students, have the approval of the school administration and are sponsored by the faculty, and do not carry credit toward promotion or graduation.
2. Each school, under the direction of the principal and professional staff, will have a well-balanced and effectively administered student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities.
3. Each activity should be designed to contribute directly to the educational, civic, social, ethical, and leadership development of students involved.

4. The student activity program should receive the same attention in terms of philosophy, objectives, social setting, organization, and evaluation that is given the regular school curriculum.
5. Each will develop definite written guidelines and procedures regulating the creation, organization, administration, and dissolution of student activity programs.
6. The expenses involved in participating in any student activity and in the total program for a school year should be set so that a majority of the students may participate without financial strain.
7. Activities must be open to all students, regardless of race, religion, sex, national origin, or disability.
8. Activities must not place undue burdens upon students, teachers, or schools.
9. Activities should be held on non-school time or at an appropriate designated school time.
10. Activities at any level should be unique, not duplications of others already in operation.

In addition to the above guidelines, District high schools will abide by the rules and bylaws of the South Dakota High School Activities Association (SDHSAA). Membership in the SDHSAA will be renewed annually by approval of the board.

Adopted Date: November 26, 2012

FILE: G-10 SEVENTH AND EIGHTH GRADE PARTICIPATION

Students in seventh and eighth grades will be permitted to participate in SDHSAA events consistent with SDHSAA rules and regulations.

Adopted Date: November 26, 2012

FILE: G-11 STUDENT PUBLICATIONS

Students enjoy the constitutional rights of freedom of expression. They will have the right to express their views in speech, writing, or through any other medium or form of expression within limitations comparable to those imposed on all citizens but specifically designed for children and youth in a school setting.

The board will encourage student publications not only because they offer an educational activity through which students gain experience on reporting, writing, editing, and understanding responsible journalism but also because they provide an opportunity for students to express their views.

All student publications will be expected to comply with the rules for responsible journalism. This means that libelous statements, unfounded charges and accusations, obscenity,

defamation of persons, false statements, material advocating racial or religious prejudice, hatred, violence, the breaking of laws and school regulations, or materials designed to disrupt the educational process will not be permitted.

The superintendent will establish guidelines that are in keeping with the above and provide for the review of the content of all student publications prior to their distribution. Review of content prior to publication is not censorship but part of the educational process as this concerns student publications. It can be pointed out to students, as it frequently is to journalists, that a publisher (in this case, the school system) enjoys freedom to determine what it will and will not publish.

Distribution of Literature: Students have a right to the distribution of literature on school grounds and in school buildings, except that the principal may prohibit the distribution in school buildings of a specific issue or publication if it does not comply with rules for responsible journalism. The principal may require that no literature be distributed unless a copy is submitted in advance. The time, place, and manner of distribution of literature will be reasonably regulated by the principal.

Adopted Date: November 26, 2012

FILE: G-12 STUDENT FUND-RAISING ACTIVITIES

Justified fundraising will be permitted for school classes or groups of students, under the sponsorship of a faculty member, provided they are approved by the superintendent and that benefits derived therefrom will be made available to all members of the class or group.

Students wishing to conduct a lottery or hold a bingo event must receive approval by the superintendent, or the superintendent's designee, prior to holding the event. The requirements in Policy KI, Public Solicitations and Advertising in the Schools, for conducting a lottery or holding a bingo game, are applicable to lotteries and bingo events sponsored by students. Students and their activity sponsor must receive approval from the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery before conducting the activity. If lottery chances are sold state-wide, written notice of the lottery must be given to the SD Secretary of State before conducting the lottery or holding a bingo event.

Solicitation of donations of any kind from students is prohibited without prior approval from the principal.

The faculty member responsible for supervising the student fund raising activity shall give all money raised from the activity to the business manager. If the activity is a lottery (including such activities as a 50-50 drawing) or a bingo event, the business manager shall issue a check to the winner(s) from the incidental account.

A categorical, itemized accounting of money raised in connection with the student fund-raising activities will be filed by the business manager with the District financial records.

Adopted Date: November 26, 2012

FILE: G-13 INTERSCHOLASTIC ATHLETICS

The board believes that students benefit from the experiences made possible through participation in interscholastic sports. Learning how to deal with success and failure, developing self-discipline, experiencing the successes of teamwork, and developing physical skills are some of the benefits that can come from these programs. All interscholastic programs will require board approval and will operate under the general supervision of the superintendent. Qualified personnel will be assigned to supervise and coach the various sports as needed.

Membership of the District or any individual school in an interscholastic athletic association or league will be subject to annual approval by the board. The board will review the constitution and bylaws of any such organization, and its rules and regulations for member teams, before granting approval.

It is the practice of the board to maintain membership for the District schools in the South Dakota High School Activities Association (SDHSAA). In the conduct of interscholastic athletic programs, the rules, regulations, and limitations outlined by the association will be followed. Eligibility requirements for participating in athletic programs will be set by the school administration with the approval of the board and will conform to regulations of the SDHSAA. They will include the requirements that a student have the written permission of his parent or guardian to participate and will have been determined as physically fit for the sport by the school physician or a personal physician. Additionally, all students participating in interscholastic athletics must purchase insurance available through the school, or the parent or guardian must sign a waiver to the effect that such coverage is not necessary.

Adopted Date: November 26, 2012

FILE: G-14 CONCUSSION AWARENESS AND PREVENTION POLICY

With commitment to providing a safe learning environment and in recognition of the risks that concussions pose to our student athletes, the school district will provide appropriate concussion awareness education and prevention programs.

AWARENESS: The District will follow guidelines developed by the South Dakota High School Activities Association and South Dakota Department of Education to educate coaches, student athletes, and parents of the nature and risks of concussions. On an annual basis, the District will distribute a concussion information sheet to all parents or legal guardians of student athletes. No student may practice or compete in any school-sanctioned athletic activity until the parent

or guardian and student return to the District a signed acknowledgment that indicates they have reviewed and understand material presented in the concussion information sheet.

TRAINING: Each year, every athletic coach, including volunteer coaches, shall complete a training program to provide continuing education on the risks and management of concussions. No coach shall be allowed to participate in any way in the District's athletic program until the individual provides to the District verification that he or she has completed the required training.

BASELINE TESTING REQUIREMENT: Baseline concussion testing is a critical part of accurate future concussion assessment. Baseline concussion testing provides a baseline score of an athlete's attention span, working memory, reaction time, etc. If the athlete suffers a concussion or is suspected of having received a concussion, he or she is evaluated with the baseline concussion test results being part of that evaluation process. Commencing with the school year, any student participating in one or more athletic programs of the District must complete a baseline concussion test prior to participating in any District athletic program for the first time and at least every other year thereafter. The cost of the test is the responsibility of the parent(s)/guardian(s) and student if not paid for by the Booster Club or other similar entity. A copy of the baseline test results must be received by the District's Activities Director prior to the student participating in the athletic activity.

REMOVAL FROM PARTICIPATION: An athlete shall be removed from participation in any athletic activity sanctioned by the South Dakota High School Activities Association at the time the athlete (1) exhibits signs, symptoms, or behaviors consistent with a concussion, or (2) is suspected of sustaining a concussion.

RETURN TO PLAY GUIDELINES: Any athlete who has been removed from participation during a practice or competition based on a suspected concussion may not participate in practice or competition until the athlete no longer exhibits signs, symptoms, or behavior consistent with a concussion; receives an evaluation by a licensed health care provider trained in the evaluation and management of concussions; and receives written clearance to return to play from such health care provider. For the purpose of this policy, a licensed health care provider is (1) registered, certified, licensed, or otherwise recognized in law by the State of South Dakota to provide medical treatment, and (2) trained and experienced in the evaluation, management, and care of concussions.

Adopted Date: November 26, 2012

Legal References: SDCL 13-36-9 through SDCL 13-26-13, inclusive

SECTION H: INSTRUCTIONAL RESOURCES

FILE: H-1 INSTRUCTIONAL MATERIALS

The board believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the board subject to budgetary constraints. The task of selecting instructional materials and programs will be delegated to the professional staff of the school system. Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the board:

1. They must present balanced views of international, national, and local issues and problems of the past, present, and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic, and ethical values.
3. They must help students develop abilities in critical reading and thinking.
4. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, religion, national origin, sex, or physical disabilities.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.

Adopted Date: November 26, 2012

FILE: H-2 TEXTBOOK SELECTION AND ADOPTION

The board will officially adopt textbooks and textbook programs for use in the District schools upon the recommendation of the chief executive officer (CEO)/superintendent. Responsibility for the review and selection of textbooks to be recommended will rest with textbook and/or curriculum committees as appointed by the chief executive officer (CEO)/superintendent or his designee.

Membership on such committees shall include representation by teachers who will use the texts, administrators, and other staff members as found desirable. Students and parents may be asked to serve.

Principles that apply generally to the selection of instructional materials and library materials will apply to the selection of textbooks and books. The State Board of Education will have the power to review any books or other instructional material selected for use in the District schools.

Additionally, basic textbooks and textbook programs will be chosen:

- a. To advance the educational objectives of the school system and particular objectives of the course or program.
- b. To contribute toward continuity, integration, and articulation of the curriculum.
- c. To establish a general framework for the particular course or program.

Because the instructional purposes of textbooks, as stated above, are of such importance, particular care will be taken in their selection as to content. Although many points must be examined, the board directs the staff to be particularly mindful of the following considerations:

1. The needs of all learners must be attempted to be met.
2. Insofar as possible, multiethnic materials which depict a pluralistic society should be selected.
3. The textbook or textbook program should lead the student and teacher beyond the textbook into a wide variety of other materials and educational experiences.
4. If the textbook deals with problems and issues of our times, it should present and encourage examination of all points of view.
5. Because textbooks are selected for several years' use, special attention shall also be given to their physical characteristics, durability, format, and price.

Adopted Date: November 26, 2012

FILE: H-3 LIBRARY MATERIALS SELECTION AND ADOPTION

The board endorses the School Library Bill of Rights, as adopted by the American Library Association, which asserts that the responsibility of the school library is to:

1. Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
2. Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
3. Provide a background of information that will enable students to make intelligent judgments in their daily lives.
4. Provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking.
5. Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. Place principle above personal opinion and reason above prejudice in the selection of materials of the high quality to assure a comprehensive collection appropriate for the users of the library.

Initial purchase suggestions for library materials may come from all personnel—teachers, coordinators, and administrators. Students will also be encouraged to make suggestions. The librarian will be responsible for evaluation and recommendation of all library materials recommended to be included in the school library. Final approval and authority for distribution of funds will rest with the building principal, subject to the approval of the superintendent and in keeping with the board-approved budget. Gifts of library books will be accepted in keeping with the above policy on selection.

Complaints about library books will be handled in line with board policy (H-3.1) on complaints about instructional materials.

Adopted Date: November 26, 2012

FILE: H-3.1 PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

The board reserves to itself the final responsibility for all instructional materials used and curricula taught in the District schools. The board recognizes that without a free and vigorous exchange of ideas, learning and teaching cannot take place effectively.

The board also recognizes that District residents have a right to express concern about the educational programs of their schools. When citizens have concerns about particular courses or instructional materials, these concerns should be stated in writing, carefully considered, and accorded the courtesy of a prompt reply by school personnel. All such replies will be based on the instructional goals of the District, upon course objectives and upon the criteria for selection of instructional materials.

Staff members will attempt to accommodate serious religious or moral objections to particular instructional materials by providing alternate materials whenever possible. However, attempts by parents or students to control what others read and study will be subject to careful scrutiny and question by school employees and the board.

Complaints against instructional materials will be considered a most serious matter and will be processed in a very deliberate manner. Therefore, the following procedures are to be followed step-by-step. Complaints that reach Step 3 will be reported to the board.

1. The material in question should first be discussed with the teacher or librarian who will report the results of this meeting to the principal. If satisfaction is not reached, the complainant may continue with Step 2.
2. The principal will meet to discuss the material with the complainant and the teacher or librarian. The results of the meeting will be reported to the superintendent. If satisfaction is not gained, the complainant will be requested to complete the form,

"Request for Reconsideration of Instructional Materials," before proceeding to Step 3.

3. The superintendent will appoint a review committee composed of the following members:
 - The building principal
 - The building librarian
 - Two building teachers
 - Three adult citizens

The committee members will be requested to read or view the material and respond to the complainants' answers to the questions on the form, "Request for Reconsideration of Instructional Materials." The recommendation of the committee will be sent to the complainant by the superintendent. If the complainant is not satisfied, he may continue with Step 4.

4. The superintendent will meet with the complainant to resolve the problem. If an impasse has developed, the matter is to be directed to the board in Step 5.
5. The complainant will appear before the board as the final step in the request for reconsideration of instructional materials.

Adopted Date: September 13, 2021

FILE: H-4 SCHOOL LIBRARY

The board recognizes that an effective school library media center is an important and integral part of the instructional resources of each elementary and secondary school. Consequently, the school district will provide and maintain adequate school library media centers. Materials in school libraries will include a full range of print and audio-visual media. Library services will include instruction and help in the use of library resources. A school librarian will be employed in accordance with state regulations. The school librarian and assistants will act as teachers in the use of these resources. The school librarian, together with the school principal and superintendent, will develop such teaching programs and rules for library use as necessary to ensure maximum use of the library services, materials, and control of material.

The superintendent, upon the recommendation of the school librarian, will annually request sufficient funds from the board to maintain library services at a high level.

Adopted Date: November 26, 2012

FILE: H-5 POLICIES ON COMPUTERS, NETWORK & E-MAIL USE AND ELECTRONIC DEVICES

INTERNET ACCESS IS A PRIVILEGE, NOT A RIGHT!

1. The McLaughlin School District will make every reasonable effort to provide access to educationally appropriate resources, including internet sites. However, it may not be technologically possible to limit internet access to only those educationally appropriate sites that have been designated for purposes of instruction and research related to the curriculum.
2. Users of the internet are responsible for their actions in the use of the internet. Users must complete the required training before they have access to it. The District cannot guarantee that users will not encounter inappropriate or offensive material on the internet. If offensive material would cause the user embarrassment or other damage, the user should not use the system.
3. The District's electronic mail (e-mail) and information accessible via the network is not private. Other people, including but not limited to school administrators and the technology coordinator, have access to the e-mails.
4. Illegal activities will be reported to the authorities.
5. All students' files/programs will be deleted at the end of the school year by the technology coordinator.
6. Staff will be notified of names of students on computer suspension.

INAPPROPRIATE USE PROHIBITED: Inappropriate use includes but is not limited to: intentional uses that violate the law, which are specifically named as violations in this policy, that violate the regulations of the school district or any other use that hampers the integrity or security of the school district's computer network or any computer networks connected to the Internet. All users of the school district's computers and networks are required to abide by the following rules:

1. Be polite and don't become abusive to others.
2. Use appropriate language. Swearing and the use of vulgarities will not be tolerated.
3. Do not reveal your personal address or phone number or that of other students or people.
4. Do not reveal your password or another user's password.
5. The District's electronic mail (e-mail) is not guaranteed to be private. People who operate the system have access to this.
6. Do not place unlawful information on any network system. Illegal activities will be reported to the authorities.
7. Persons using the District's e-mail system must be given permission by an administrator or computer coordinator to use District e-mail.
8. No trespassing in another person's file.
9. No programs or games may be brought from home or any other source, nor downloaded from the Internet, and installed on school computers. If programs or games

are desired, they must be submitted to the technology coordinator. If these are allowed, they will be entered into the system and put on the menu by the instructor.

10. No physical tampering or destruction of computers, keyboards, printers, etc.
11. No unauthorized use of other students' directories. Students must keep their passwords private. Students are responsible for all files in their directory.
12. The school administrators, instructional staff, and the technology coordinator have the right to periodically inspect students' files unannounced and at random.
13. No movies, music, or other outside electronic media files may be played on District equipment without approval from technology coordinator and/or administration.
14. Use of the school district Internet access for commercial "for profit" activities or product advertisements is prohibited.
15. Forgery of electronic mail messages, changing files belonging to users, and downloading of any files into the school district's computers is prohibited.
16. Unsolicited junk mail or chain letters are prohibited.

STUDENT ACTIVITIES STRICTLY PROHIBITED: In addition to the above general rules, activities which students are strictly prohibited from engaging in include, but are not limited to, the following:

1. Illegal installation or transmission of copyrighted materials
2. Any action that violates existing board policy or public law
3. Access or use of any other email program or account other than the one issued by the school (i.e., Hotmail, Yahoo Mail, MSN Mail, etc.)
4. Using email to harass or bully others
5. Use of chat rooms or sites selling term papers, book reports and other forms of student work.
6. Messaging services (i.e. MSN Messenger, ICQ, etc.)
7. Playing non-educational internet games
8. Use of outside program disks without prior approval from the technology coordinator
9. Downloading illegal files, including music or other data files
10. Spamming — sending mass or inappropriate emails
11. Gaining access to other students' accounts, files, and/or data
12. Password sharing
13. Use of anonymous proxy servers or other attempts to negate firewall/filtering system
14. Vandalism (any malicious attempt to harm or destroy hardware, software, or data, including, but not limited to, the uploading or creation of computer viruses or computer programs that can infiltrate computer systems and/or damage software component(s) of school equipment will not be allowed
15. Transmission or accessing materials that are obscene, offensive, threatening, or otherwise intended to harass or demean recipients and transmission of inappropriate music

DDN USE: Students enrolled in distance learning or other e-learning media will adhere to all rules and regulations established. A written contract must be signed and on file prior to the start of class.

USE OF ELECTRONIC DEVICES: Pagers, MP3 Players, IPOD's, video games, laser pointers, or any other personal electronic devices (with the exception of calculators) are not to be worn or used in school during school hours unless permission is granted from teachers. Devices such as cell phones and pagers, if brought to school, must be kept in students' locker. Cell phones are not to be used during school hours without permission from the administration. Students who need to make phone calls during the school day are to report to the office and arrangements will be made to meet their needs. PDAs and other handheld computers may be used for educational purposes with the approval of the teacher and administration. Such items will be confiscated and may be returned at the end of the school day. If a student receives a third violation during the school year, the device will be returned to the student's parents upon the parents coming to school to pick it up. The only allowed exception to this policy is for adaptive equipment used for educational purposes.

VIOLATIONS AND CONSEQUENCES: Violations of school district policy or the law through the use of the school district's e-mail and internet access may result in disciplinary action. Disciplinary action may be suspension or revocation of email and/or internet privileges, detention, in-school suspension, out of school suspension, or expulsion. Students shall be afforded due process consistent with school district policy and state law. Suspected violations of law shall be reported to the proper authorities.

CHILDREN'S INTERNET PROTECTION ACT: It is the policy of McLaughlin Schools to: (a) prohibit user access over its computer network to, or transmission of, inappropriate material via internet, electronic mail, or other forms of direct electronic communications; (b) prohibit unauthorized access and other unlawful online activity; (c) prohibit unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Adopted Date: November 26, 2012

USE OF COMPUTERS, NETWORKS, E-MAILS, AND ELECTRONIC DEVICES

Parents/Guardians' Agreement

As parent/guardian of the student who has signed below, I have read the school district's Policy on Computers, Networks, E-mails, and Electronic Devices. I understand that the school district's internet use is designed for educational purposes. Further, I recognize it is possible that my child may procure material that is not consistent with the educational goals of the District. I hereby give my permission to the school district to provide internet access for my student.

STUDENT(S) NAME(S): _____ DATE _____

PARENT/GUARDIAN SIGNATURE _____

Student's Agreement

I understand and will voluntarily abide by the school district's Acceptable Use Policy on Computers and Networks. I further understand that any violation of this policy may result in the loss of my internet access privileges and school disciplinary action may be taken. The signature on this document indicates that I have read the school district's Acceptable Use Policy, understand its significance, and voluntarily agree to comply fully with all its terms and conditions.

DATE _____

STUDENT'S SIGNATURE _____

Adopted Date: November 26, 2012

FILE: H-6 GRADING SYSTEMS

It is the philosophy of this board that students will respond more positively to the opportunity for success than to the threat of failure. The District, therefore, will seek to make achievement both recognizable and possible for its students and will emphasize achievement in its processes of evaluating student performance.

The grading system will evaluate and record student progress. These records and reports of individual students will be kept in a form which will be meaningful to parents as well as teachers. The grading system will be uniform district-wide and at comparable grade levels. A marking system of letter grades will be used as follows: A (100-93); B (92-85); C (84-77); D (76-69); F (68-0).

The grading and reporting system as developed by the faculty, upon the recommendation of the superintendent, is subject to board approval. The board will support administration and professional staff efforts to find better ways to measure and report student progress.

The board recognizes that any grading system, however effective, is subjective in nature but will urge all faculty members to conduct student evaluations as objectively as possible.

Adopted Date: November 26, 2012

FILE: H-7 STUDENT PROGRESS REPORTS TO PARENTS

The board feels that it is essential for parents to be kept fully informed of their children's progress in school. The type of progress reports sent to parents will be devised by the professional staff.

Report cards will be uniform throughout the District at comparable grade levels except as special forms may be developed for special programs or new forms tried out on a temporary basis. Report cards will be distributed on a nine-week basis. Supplementary reports will be required for students in danger of failure. Conferences with parents also will be used as an integral part of the reporting system.

Adopted Date: November 26, 2012

FILE: H-8 HOMEWORK

The board believes that homework, as long as it is properly designed, carefully planned, and geared to the development of the individual student, meets a real need and has a definite place in the educational program. The assignment of homework will follow these basic guidelines:

1. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.
2. Homework should help children learn by providing practice on the mastery of skills, experience in data gathering and integration of knowledge, and an opportunity to remediate learning problems.
3. In assigning homework, a teacher should consider a student's age and mastery of skills; need for play time; and/or out-of-school responsibilities and activities, which often aid a student in developing his/her interests or tastes. However, the homework grade is dependent on performance by the student.

Adopted Date: November 26, 2012

FILE: H-9 PROMOTION AND RETENTION OF K-8 STUDENTS

The administration and teaching staff must strive to create plans of instruction and instructional organization that will permit students to progress through kindergarten, elementary, and middle school according to their needs and abilities. Students will normally progress annually from grade to grade. However, exceptions to this general policy may be made when it becomes evident that a student should proceed more slowly.

Retention will not be used until other possibilities have been exhausted, including special help and remedial work.

In all cases of retention, parents must be informed of such possibility well in advance (usually by the end of the third report period) and a conference with them sought. In all instances, the advice and help of the guidance counselor and other special school personnel will be used by teachers and the administrator.

Although teachers may recommend retention, all retentions (as well as promotions) will be approved by the school principals. Teachers, in recommending retentions, and principals, in approving them, will give the reasons why they feel the student should repeat. If the parent(s)/guardian(s) disagree with the decision of the principal to retain a student, the parent(s)/guardian(s) may appeal that decision to the superintendent. If the superintendent agrees with the principal that the student should be retained, the parent(s)/guardian(s) may appeal that decision to the school board.

The principal will take particular care in approving more than one retention during a child's elementary school life. The superintendent must also approve a second retention of any student between kindergarten and eighth grade, inclusive.

Adopted Date: November 26, 2012

FILE: H-10 TEACHING ABOUT CONTROVERSIAL ISSUES

Training for effective citizenship is accepted as one of the major goals of the District's schools. The instructional program developed to achieve this purpose properly places great emphasis upon teaching about our American heritage, respect for our established institutions, the rights and privileges we enjoy as citizens, and the citizenship responsibilities that must be assumed in maintaining our American way of life.

To enable students to learn how to become effective citizens, the public schools have an obligation to prepare them for intelligent and conscientious participation in a democratic social order. Such participation requires that students have the opportunity to become cognizant of public issues; to learn the skills of analyzing current problems and arguments; to distinguish between fact and opinion; to gather and organize pertinent facts; and to respect the opinions of others. The schools have the additional responsibility of providing students the opportunity to identify, form, and express their own opinions on controversial issues.

Teachers shall adhere to the following guidelines for selection and study of controversial issues in the classroom:

1. The topic and method used in its study should contribute toward helping students develop techniques for examining other controversial issues.
2. The issues should be appropriate to the maturity level and background of the students in the class.
3. The issue should be related to the course content and help achieve course objectives.
4. A balanced and fair presentation of the issue should be presented.

Teachers desiring to bring resource people into the class to discuss a particular viewpoint on a controversial issue must first obtain the endorsement of the principal. Care must be taken by the teacher not to expose any one viewpoint as more acceptable than another.

Adopted Date: November 26, 2012

FILE: H-11

TESTING PROGRAMS

Testing of students can provide a meaningful source of information about student achievement, the curriculum, and instruction. The board, therefore, authorizes testing to help accomplish the following objectives:

1. To evaluate strengths and weaknesses of the current curriculum and instruction to identify areas needing change
2. To compare achievement of District students with themselves and with students nationally as one means to evaluate student growth

3. To provide a degree of diagnostic instructional information to teachers about the group(s) of students they work with
4. To provide one basis for longitudinal study of student achievement

Information gained through the use of tests will be used to design educational opportunities for students to better meet their individual and collective needs.

The board recognizes that all tests provide only a limited source of information about an individual student. Information drawn from tests will therefore be used only in conjunction with all other information known about a student in advising the student or assisting the student in improving his work.

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

Adopted Date: September 13, 2021

Legal References: SDCL 13-3-51 (Data reporting and record systems)
 SDCL 13-3-55 (Academic achievement tests)
 SDCL 13-3-56.1 (Cheating on academic achievement test)
 SDCL 13-3-56.2 (Report of investigation)
 SDCL 13-42-32 (Suspension or revocation of certification for
 compromising integrity of academic achievement test)

FILE: H-12 STATE-REQUIRED ASSESSMENTS

The superintendent is charged with the administration of all state assessments. As a valuable measurement of student progress, results of state assessments will be shared with the board so the board can use accurate and up-to-date data in District decision-making.

If the superintendent has sufficient evidence that cheating on a state-required academic test occurred, the superintendent shall investigate the circumstances. The superintendent shall report the findings of the investigation to the South Dakota Department of Education. The superintendent will also make a formal report to the board, excluding any personally identifiable information of students involved.

Cheating is defined as any form of academic dishonesty or cheating, including the unauthorized knowledge of the achievement test by a student, providing unauthorized access to secure test questions, or tampering or altering of student answer sheets by school district personnel.

Student and staff handbooks will contain information on what constitutes cheating and communicate the possible personal and District sanctions.

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

Pursuant to such procedures as established by the South Dakota Department of Education, the parent of a student to whom an assessment is administered pursuant to state law or the eligible student may request to inspect and review the assessment of the student after it is scored and the results are provided to the parent or eligible student. The law requires the Department of Education to provide through its website information to parents and eligible students regarding the process and procedures for the inspection and review as authorized by law. The District will also provide parents and eligible students with information regarding the process and procedures for the inspection and review as authorized by law. The parent or eligible student shall be provided with access to the assessment in a secured environment within a reasonable period of time but not more than forty-five days after the request is received. The term “parent” and the term “eligible student” are as defined in state law.

Adopted Date: September 13, 2021

Legal References: SDCL 13-3-51 (Data reporting and record systems)
SDCL 13-3-51.1 (Definitions regarding privacy of records)
SDCL 13-3-51.2 (Information not subject to survey, analysis, or evaluation without consent)
SDCL 13-3-51.3 (Prohibition against reporting personally identifiable information)
SDCL 13-3-51.4 (Department to develop security measures to protect personally identifiable information)
SDCL 13-3-51.5 (Disclosure of aggregate data otherwise allowed)
SDCL 13-3-51.6 (Disclosure of aggregate data necessary for impact aid)
SDCL 13-3-55 (Academic achievement tests)
SDCL 13-3-56.1 (Cheating on academic achievement test)
SDCL 13-3-56.2 (Report of investigation)
SDCL 13-42-32 (Suspension or revocation of certification for compromising integrity of academic achievement test)
CFR Title 34 §99.3 (Family educational and privacy rights – definitions)

FILE: H-13 PATRIOTIC EXERCISES & FLAG DISPLAYS

The American flag will be flown from the mast at each school every day that school is in session. The principal of the attendance center is responsible for flying the flag on school days. A small flag shall be provided for each classroom. The District shall provide all students the opportunity

to salute the United States and the flag each day by reciting the pledge of allegiance to the flag of the United States. A student may choose not to participate in the salute to the United States and the flag; however, a student who does not participate in the salute shall maintain a respectful silence during the salute. The national anthem may be sung during any school day or school event.

Observation and commemoration of special days and events will be considered a valuable part of the instructional program of the school.

Adopted Date: September 13, 2021

Legal References: SDCL 13-24-17 (Flagpole required)
SDCL 13-24-17.2 (Right to post flag, recite pledge of allegiance, and sing national anthem)

SECTION I: STUDENTS

FILE: I-1 EQUAL EDUCATIONAL OPPORTUNITIES

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

To accomplish this policy on nondiscrimination, the board will provide all students of the McLaughlin School District equal access with respect to educational opportunities and participation in school-sponsored programs or activities unless otherwise allowed by law (i.e., such as laws related to special education which required individualized educational programs and laws related to student suspension and expulsion).

Adopted Date: November 26, 2012

FILE: I-2 COMPULSORY ATTENDANCE AGES

All children shall attend kindergarten prior to age seven (7). Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

Any person having control of a child, who is not younger than five (5) or older than six (6) years old by the first day of September, or any child who, by the first day of September, is at least six (6) years old but who has not exceeded the age of eighteen (18), shall cause the child to regularly attend some public or nonpublic school for the entire term during which the public school in the District in which the person resides, or the school to which the child is assigned to

attend, is in session, until the child reaches the age of eighteen (18), unless the child has graduated or is excused as provided in state law.

A student who is at least sixteen (16) years of age may enroll in a general education development test preparation program that is school-based or for which a school contracts and the child successfully completes the test or reaches the age of eighteen (18) years.

A child is eligible to enroll in a school-based or school-contracted general education development test preparation program or take the general education development test if the child is sixteen or seventeen (17) years of age and the child presents written permission from the child's parent or guardian and one of the following:

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

Any child who is sixteen (16) or seventeen (17) years of age and who completes the general education development test preparation program may take the general education development test immediately following release from the school program or when ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the general education development preparation program or other suitable program as determined by the school district.

Adopted Date: November 26, 2012

Legal References: SDCL 13-27-1; 13-27-1.1 13-27-2; 13-27-3; 13-27-11; 13-27-12; 13-27-16; 13-32-4.1

FILE: I-3 SCHOOL ADMISSIONS

In accordance with state law, all persons over five (5) and under twenty-one (21) years of age and all veterans (except dishonorably discharged veterans) who are residents of the District will be eligible to attend the public schools free of charge if they have not already received a high school diploma. Upon registration, all new students will be required to present:

1. Proof of date of birth.
2. Record of immunization and a health certificate from a licensed physician. As an alternative to the requirement for a physician's certification, the child may present: (1) Certification from a licensed physician stating the physical condition of the child would be such that immunization would endanger the child's life or health; or (2) A written statement

signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such immunization.

3. Proof of residency, if requested.

Adopted Date: November 26, 2012

FILE: I-4 ADMISSION OF RESIDENT STUDENTS

The legal residence of a student, for the purpose of claiming free school privileges, will mean the legal residence or domicile of the student's parents or legal guardian. The parents or legal guardian may not establish residency in a district for the sole purpose of obtaining free schooling in that district. Within thirty (30) days of the student's enrollment, the McLaughlin School District shall determine the student's residency within the school district for purposes of receiving free public education. Thereafter, a child's school residence may not change during the school fiscal year unless the child ceases to be enrolled in the school of the District.

If a school-age child who is not a resident of the McLaughlin School District, as determined by the residence of the child's parent(s) or guardian(s), on a temporary or permanent basis, the school residency of the child is where the parent(s) or guardian(s) reside unless, upon request of the person with whom the child is living, the McLaughlin School Board accepts the child as a resident of the McLaughlin School District. If the school board rejects the request, the person who made the request may, within fifteen (15) days after receipt of the rejection, appeal to the school board for a hearing. The decision of the school board after the hearing is final and may be appealed to the circuit court. However, a school-age child is a resident of the school district where the school-age child is placed by the Unified Judicial System, the Department of Corrections, or entities approved by the Department of Social Services, including a foster home.

If a child who is a resident of the McLaughlin School District is excused from school attendance pursuant to SDCL 13-27-2, the McLaughlin School District shall admit that child to public school in the District upon request from the child's parent or legal guardian. A child enrolled in the school district pursuant to this provision may be enrolled in the school district on only a partial basis and also continue to receive alternative instruction pursuant to SDCL 13-27-3.

Adopted Date: November 26, 2012

Legal References: SDCL 13-28-9; 13-28-10; 13-28-51

FILE: I-5 OPEN ENROLLMENT POLICY

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student resides in another school district and who wishes to enroll their student in the McLaughlin School District must apply to open enroll in the McLaughlin School District.

General Guidelines:

1. All requests for open enrollment to a nonresident district must be submitted to the superintendent of schools on the official application form provided by the South Dakota Department of Education.
2. Nonresident student open enrollment applications to attend school within the McLaughlin School District will be reviewed by acting on applications in the order in which they are received.
3. Transfers to a school district other than the resident school district under the provisions of §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September during the first semester of any school year and prior to the last Friday in January during the second semester of any school year. If a school district approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If a school district approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. However, the deadlines for transfer do not apply if:
 - a. A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
 - b. A student enrolls in a school district after the deadline in either semester; or
 - c. The receiving school district school board or the board's designee determines that special circumstances exist and allows a student to transfer after the deadline.
4. The superintendent of schools shall approve or disapprove the application and shall notify the applicant and the resident board, if applicable, of its decision within five (5) days of the decision. The decision of the superintendent of schools regarding a student's application for open enrollment or a request to return to the resident district may be appealed. Appeal of a decision by the superintendent may be directed to the school board. The decision of the school board regarding a student's application for open enrollment or a request to return to the resident district is subject to appeal to circuit court pursuant to SDCL 13-46.
5. Decision to accept or reject open enrollment applications will be based on the criteria listed under "Open Enrollment Application Standards" in this policy. The applicant and the resident school board will be notified within five (5) days of the decision.
6. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the superintendent of the McLaughlin School District.
7. Once approved by the McLaughlin School District, the approved application serves as the applicant's notice of intent to enroll in the McLaughlin School District and obligates the student to attend the nonresident district during the school year, unless the affected school board or boards or the board's designee agree in writing to allow the

student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

8. Once enrolled under open enrollment in the McLaughlin School District, the student may remain enrolled and is not required to resubmit annual applications.
9. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement.
10. A copy of this policy will be personally given to or mailed to parents and guardians who submit an open enrollment application and to any person upon request.

OPEN ENROLLMENT APPLICATION STANDARDS:

The following standards will be used to accept or reject applications for open enrollment:

1. Open enrollment requests will be granted on a space available basis at the time the request is considered. Class size, program capacity, grade level, and building capacity restrictions are necessary to allow room in schools for students who move into the assigned school attendance area. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may be above these ratios because of students living in the school attendance area.
 - a. Kindergarten through grade five: The student to teacher ratio shall not exceed twenty-eight (28) students in grade level as a result of open enrollment.
 - b. Grade six through grade eight: The student to teacher ratio for core classes may not exceed thirty (30) students as a result of open enrollment.
 - c. Grade nine through grade twelve: Enrollment may not exceed building capacity.
 - d. An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
 - e. Open enrollment of a special education student will not be approved if the student cannot be accommodated at current staffing levels or the program is at capacity.
2. If two (2) or more students from the same family residing in the same household request open enrollment into the District, all requests from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same household enrolling in different school districts (except that if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment).
3. Any student under long-term suspension or expulsion may not be allowed to open enroll until the suspension or expulsion is completed.
4. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

OPEN ENROLLMENT OF SPECIAL EDUCATION STUDENTS:

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the District determines that the District can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs.
2. If the request to transfer is granted, the District is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the District shall provide or ensure the provision of transportation within the boundaries of the District.
3. If the District special education administration is not able to confirm the provision of an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District must initiate an individual education program team meeting consisting of representatives from the resident district and the District to determine whether the District can provide an appropriate instructional program, facilities, and transportation necessary.
4. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to SDCL 13-28-44 or if an individual education program team consisting of representatives from the resident district and District determine that the District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
5. If a parent or guardian of a student in need of special education or special education and related services requests to transfer the student back to the resident district, the affected school boards or the boards' designees must agree in writing to allow the student to transfer back to the resident district unless the parents, guardian, or emancipated student change residence to another district.
6. If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for one or more of the students and after consideration of the open enrollment standards, the applications shall be approved. However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the special education student.
7. If it is determined that a parent or guardian of a student in need of special education or special education and related services submitted a request for an open enrollment transfer but did not indicate on the application that the student has an IEP and needs special education services, approval by the District of the open enrollment transfer application and any subsequent approval of that application will be deemed void.

Adopted Date: November 26, 2012

Legal References: SDCL 13-28-40 through 13-28-47

FILE: I-6 PLACEMENT OF STUDENTS WHO HAVE ATTENDED AN UNACCREDITED SCHOOL OR ALTERNATIVE PROGRAM

To be in compliance with SDCL 13-27-29, the school district hereby adopts the following policy statement and procedures.

Policy Statement: It is the policy of the school district to provide a free and appropriate public education for all eligible students enrolling in the school district. For those students who have attended an unaccredited school or alternative program and enroll in the school district, the following procedures shall apply to ensure appropriate grade placement and to determine units of credit for graduation purposes.

Procedures

- I. Procedures for appropriate grade placement for school age students in first through eighth grades who have attended an unaccredited school or alternative program:
 - a. The superintendent shall appoint a grade placement committee consisting of the elementary principal, school counselor, a classroom teacher(s) that teach students of the same chronological age as the student being placed, and a school psychologist to interpret assessment data. The student's parent or guardian shall have the opportunity to participate at grade placement meetings to provide information and to clarify any questions the committee may have. The parents or guardian shall be ex-officio members, without having a vote in placement decisions pursuant to Sections I and II of this policy or Section IV pertaining to override recommendations.
 - b. The grade placement committee shall ensure that the student enrolling has completed one achievement test selected and administered by the school district.
 - c. The proficiency standard for grade (1-8) placement shall be based on the student's Complete Battery (composite) state achievement score. The student's Complete Battery (composite) state achievement score shall not be more than one standard deviation below the class mean Complete Battery (composite) state achievement score.
 - d. If the student's achievement test scores reflect a severe discrepancy of more than 1.5 standard deviation between achievement and intellectual ability, the grade placement committee may make a referral for consideration of special education services.
 - e. The grade placement committee shall ensure that a student's placement shall not be in a grade level higher than warranted by the student's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter.

- f. After initial placement the student may be advanced according to his/her demonstrative performance.
 - g. A parent or guardian dissatisfied with the grade placement committee's determination may appeal the decision to the school board.
 - h. A parent or guardian dissatisfied with the school board's decision may appeal the decision to the Secretary of the Department of Educational and Cultural Affairs.
- II. Procedures for appropriate grade placement and determining units of credit for high school age students who have attended an unaccredited school or alternative program:
- a. The superintendent shall appoint a grade placement committee consisting of the high school principal school counselor, a classroom teacher(s) that teach students of the same chronological age as the student being placed, and a school psychologist to interpret assessment data. The student's parent or guardian shall have the opportunity to participate at grade placement meetings to provide information and to clarify any questions the committee members may have. The parents or guardian shall be ex-officio members without having a vote in placement decisions pursuant to Sections I and II of this policy or Section IV pertaining to override recommendations.
 - b. The grade placement committee shall ensure that the student enrolling has completed one achievement test selected and administered by the school district.
 - c. The grade placement committee shall have the authority to approve units of credit for English and Mathematics based on the student's composite Subtest achievement scores in Reading (English) and Mathematics.
 - d. The proficiency standards for granting units of credit for the subjects of English and Mathematics shall be the student's composite Subtest state achievement scores for each subject area. The composite Subtest state achievement scores shall not be more than one standard deviation below the class mean Subtest state achievement scores for each subject area being considered.
 - e. If the student's achievement test scores or minimum competency test results reflect a severe discrepancy of more than 1.5 standard deviation between Achievement and Intellectual Ability, the grade placement committee may make a referral for consideration of special education services.
 - f. The grade placement committee shall have the authority to grant units of credit for lower-level courses in the subjects English and Mathematics provided the student's Subtest state achievement scores for each subject meet or exceed the proficiency standard for granting units of credit at a higher level. For example, if the student's Subtest state achievement score meets the proficiency standard to be placed in English III, the committee may grant units of credit for English I and English II.
 - g. In order to receive units of credit for subjects other than English and Mathematics the grade placement committee shall have the authority to direct classroom teachers, who are teachers of the selected subjects, to develop minimum competency tests for their particular subject areas.

- III. The committee shall ensure:
- a. Prior to taking a minimum competency test, the student shall receive a course outline, syllabus, or plan of study, textbooks, and any other curriculum material that describes the course requirements. Furthermore, the District shall notify the student of the school district's proficiency standard for passing the subject.
 - b. The student shall have the opportunity to complete the minimum competency test within one year (twelve (12) months) from the date the student enrolled in the school district.
 - c. The student completing the minimum competency test shall have an individual test score that meets or exceeds the school district's acceptable proficiency standard for passing the subject prior to granting a unit of credit.
 - d. If the student does not receive a passing score on the minimum competency test, the student shall have the opportunity to retake a comparable version of the minimum competency test one year (twelve (12) months) after the date of the first test or complete the course requirements at an accredited summer school program.
 - e. All students who have attended an unaccredited school or alternative program shall be required to complete the two (2) unity requirements for lab science at the school district, another accredited school district, or at an accredited summer school program.
 - f. The grade placement committee shall ensure that a student's placement shall not be in a grade level higher than warranted by the student's chronological age assuming entry into the first grade at age six (6) and annual grade advancement thereafter.
 - g. After initial placement the student may be advanced according to his/her demonstrative performance.
- IV. A parent or guardian dissatisfied with grade placement committee's determination may appeal the decision to the school board. A parent or guardian dissatisfied with the school board's decision may appeal the decision to the Secretary of the Department of Educational and Cultural Affairs.
- V. The school district requires all high school students to successfully complete the following units of credit "(a credit is defined as successful completion of _____ semester/semesters, i.e. ½ credits are earned in a class for successful completion of one semester of course work.)"
1. _____ units of English/Language Arts including
 - a.
 - b.
 2. _____ units of social studies including:
 - a.

- b.
 - 3. ___units of mathematics
 - 4. ___units of laboratory science
 - 5. ___unit of computer science
 - 6. ___unit of fine arts and
 - 7. ___units of electives
- VI. If the grade placement committee recommends that a student should be placed in a specific grade level or should receive a unit credit, even though the student does not meet the District's proficiency standards, the committee shall be required to include the following documentation in their report as justification for their recommendation to override the District's proficiency standards:
- a. The record shall contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student.
 - b. The record shall indicate what data were used to conclude that the student should be placed in a specific grade level or should receive a unit of credit. Examples of data that may be used include:
 - i. Other tests or evaluation scores;
 - ii. Student work products;
 - iii. Teacher testimonials;
 - iv. Previous tests;
 - v. Observational data; and
 - vi. Other developmental data.
 - c. The record shall contain an explanation of why the data selected for recommending the override had greater relative importance than the achievement test data and minimum competency test data used by the District.
 - d. Placement committee override recommendation shall include a sign-off by all committee members agreeing to override the proficiency standards adopted by the District. For those members who disagree with the override recommendation, a statement of why they disagree and their signatures shall be included.
 - e. All override committee recommendations are subject to approval by the superintendent.

Adopted Date: November 26, 2012

GRADE PLACEMENT COMMITTEE REPORT

Student _____ Date of Birth _____

Address _____ Parent/Guardian _____

Home Phone _____ Business Phone _____

I. Achievement test

Date of test

Test Administrator

Test Areas Individual Scores Class Mean Proficiency Acceptable State

Scores Standards Composite Reading

Composite Math Science

Social Studies Composite

*Proficiency Standards are the student's individual state scores that are not more than one standard deviation below the Class Mean scores.

II. Minimum competency subject test:

Subjects Tested Student's Score Proficiency Standard** Acceptable/Unacceptable

**Proficiency Standards are the school district's acceptable proficiency standards for passing a subject.

III. Results of achievement test data and/or minimum competency testing verify that the student has met the District's proficiency standards for the following grade placement and approval of units of credit (high school students):

Signatures of Grade Placement Committee:

Principal Date Counselor Date

Classroom Teacher Date School Psychologist Date

GRADE PLACEMENT COMMITTEE OVERRIDE RECOMMENDATION

Student _____

Date of Birth _____

Address _____

Parent/Guardian _____

Home Phone _____

Business Phone _____

- I. Override recommendation:

- II. To be completed by committee members:
 - 1. Explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student.
 - 2. What data were used to conclude that the student should be placed in a specific grade level or should receive a unit of credit?
 - 3. Explain why the data selected for recommending the override had greater relative importance than the achievement test data and minimum competency test data used by the District.

- III. Signatures of grade placement committee members agreeing with the override recommendation.

_____	_____	_____	_____
Title	Date	Title	Date
_____	_____	_____	_____
Title	Date	Title	Date

- IV. List the names and positions of those committee members who are not in agreement with the override recommendations.

_____	_____
Name	Position
_____	_____
Name	Position

*Must attach a written statement of why they disagree with the override.

FILE: I-7 FOREIGN EXCHANGE STUDENT POLICY

The McLaughlin School District acknowledges the benefits of Foreign Exchange Student Programs. While there are benefits, it is the school district's responsibility to ensure that such a program would not adversely affect any school program, student, family, or teacher. Therefore, the following rules and regulations will be followed.

1. The District will accept no more than four (4) foreign exchange students per year. This number may be less if it would cause overcrowding.
2. The District will work with only two (2) sponsoring organizations in any one given year.
3. All sponsoring organizations must be listed on the most current Council on Standards for International Educational Travel (CSIET) Advisory List. The organization's status must be listed as "Full" with CSIET.
4. The student/host family must have prior approval from the school administration to be enrolled at McLaughlin High School. The host family, not the agency, must enroll the student.
5. Foreign exchange students must agree to be in attendance a minimum of one semester.
6. Foreign exchange students will follow all grading guidelines followed by all McLaughlin High School students.
7. Students who will be accepted for the first semester of study or the entire school year. They must be registered by August 1. No foreign exchange students will be accepted only for the second semester of study without prior board approval.
8. Schedules for the foreign exchange students will be created following a meeting with the host family, the school guidance counselor, and the high school principal.
9. Foreign exchange students must be of the ages fifteen (15) through nineteen (19) by September 1 of the school year they plan to attend.
10. Foreign exchange students will normally be placed at the grade level that most closely corresponds to their grade level in their home country.
11. Foreign exchange students will be allowed all rights and privileges provided to all other District students in relation to extracurricular activities.
12. Foreign exchange students will receive a Certificate of Attendance showing the dates of attendance, courses taken, and the reason for discontinuance (i.e., end of school term, transfer, etc.).

Adopted Date: November 26, 2012

**FILE: I-8 POLICY ON ENROLLMENT, TRANSPORTATION, SCHOOL OF ORIGIN, AND THE
ELIMINATION OF BARRIERS FOR CHILDREN OR YOUTH EXPERIENCING
HOMELESSNESS INCLUDING UNACCOMPANIED YOUTH**

Homelessness is the condition and societal category of people who lack fixed housing, usually because they cannot afford a regular, safe, and adequate shelter. The term "homelessness"

may also include people whose primary nighttime residence is in a homeless shelter, in an institution that provides a temporary residence for individuals intended to be institutionalized or in a public or private place not designed for use as a regular sleeping accommodation for human beings.

The McLaughlin School District policy is to:

1. Enroll students experiencing homelessness, consistent with state and federal law, until all enrollment records may be secured, i.e. academic records, medical records, proof of residency, or other documentation;
2. Notify the Department of Social Services of any student who is subject to the statutory compulsory attendance law and who is experiencing homelessness;
3. For any homeless child enrolled in the McLaughlin School District, strive to eliminate any stigmatization and any other identified barriers for homeless students;
4. Prohibit decreased or denial of services based on the status of the student being homeless; and
5. Provide students experiencing homelessness with services comparable to services offered to other students in the school including but not limited to the following:
 - (a) educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs,
 - (b) educational programs for children with disabilities,
 - (c) educational programs for students with limited English proficiency,
 - (d) transportation services,
 - (e) programs in vocational and technical education,
 - (f) programs for gifted and talented students, and
 - (g) school nutrition programs.

A parent, student, employee, or district stakeholder who has a complaint regarding the use of federal funds and is unable to solve the issue may address a complaint regarding the enrollment, transportation (including inter-district disputes), and other barriers to the education of children and youth experiencing homelessness and may file a complaint pursuant to Policy File: A-4.

Parents, guardians, and unaccompanied youth may initiate the dispute resolution process directly at the school they choose as well as at the District or District's homeless liaison's office. The parent, guardian or unaccompanied youth shall be provided with a written explanation of the school's decision including the rights of the parent, guardian, or youth to appeal the decision. Students should be provided with all services for which they are eligible while disputes are resolved.

Adopted Date: November 26, 2012

FILE: I-9 STUDENT WITHDRAWAL FROM SCHOOL

Student withdrawal from school may be classified into three categories: those who transfer to another school system, either public or private; those who excused from attendance pursuant to SDCL 13-27-1.1 (religious exemption) or 13-27-2 and 13-27-3 (receiving alternative instruction); and those who withdraw from permanent attendance at any school (dropouts). If a parent or guardian wishes to withdraw a student from school to transfer to another school district, the parent or guardian should contact the principal who will instruct him/her as to procedure. When transferring to another school, the parent or guardian should arrange with the office to forward records to the proper school.

Students who are residents of the McLaughlin School District and who have dropped out of school will be permitted to re-enroll. If re-enrollment is at any time other than the beginning of a semester, the student may not receive semester credit for the semester when the student re-enrolled due to the remaining period of time in the semester in which the student re-enrolled.

Adopted Date: November 26, 2012

FILE: I-10 STUDENT ABSENCES AND EXCUSES

A student's contribution to and achievement in class are directly related to attendance. Both students and parents must understand that students miss a vital portion of their education when they are absent from school. While it is true that written work can be completed for make-up, class instruction or presentations, discussions, some audio-visual presentations, or student-teacher interaction can never be made up.

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

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

A child may also be excused for other exceptional reasons with approval of the school administrator.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable. Should a student be a participant in an extracurricular activity, the school administration may request the student or the student's parent to provide a physician's written statement indicating that such participation does not jeopardize the health of the student and further indicate such restrictions to participation as may be determined by the physician.

Any absence other than that excused absence as set forth above is considered unexcused and the student will be considered truant.

Students who know in advance of an anticipated excused absence are to inform the office prior to the absence to the maximum extent possible under the circumstances and schedule with the student's teachers the make-up work. Should the absence be an excused absence but unexpected the student shall be given one (1) day for each day missed for the first two (2) days to make up the missed school work. If three (3) or more days are missed, it is at the discretion of the teacher.

In cases of an unexcused absence, the student shall receive seventy-five percent (75%) credit for missed school work turned in, and the student shall be given one day for each day missed up to two days in order to make up the missed school work. If three or more days are missed it is at the discretion of the teacher. For purposes of this provision related to unexcused absences, an unexcused absence shall include in-school suspension and out-of-school suspension.

Adopted Date: November 26, 2012

Legal References: SDCL 13-27-6; 13-27-6.1; 13-27-7; 13-27-8;13-27-9

FILE: I-11 TRUANCY

Through cooperation with parents, strict adherence to regulations in regard to tardiness and unexcused absence, and diligence in investigating the causes of absence, the board will endeavor to reduce tardiness and truancy. Any person having control of a child of compulsory school age, who fails to have the child attend school as required by the provisions of this title, is guilty of a Class 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty of a Class 1 misdemeanor. (SDCL 13-27-11)

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

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

Adopted Date: November 26, 2012

Legal References: SDCL 13-27-14; 13-27-16; 13-27-18 through 13-27-21; 13-27-24 through 13-27-28

FILE: I-12 STUDENT DISMISSAL PRECAUTIONS

The McLaughlin School District is responsible for student safety when at school. Students in any school, grade, or class may not be dismissed before the regular hour of dismissal except with the approval of the superintendent or designee.

A teacher may not permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal. No student will be permitted to leave school prior to the dismissal hour in the company of anyone other than a school employee unless the permission of the custodial parent /guardian has been first secured.

The McLaughlin School District is also responsible for student safety when participating in school activities held at a location other than within the McLaughlin School District. Therefore, students participating in a school activity held at a location other than within the McLaughlin School District must return to the school on the school bus/school-provided transportation unless:

1. The student presents to the coach/advisor the day of the activity prior to the student/team/group leaving school for the activity a note signed and dated by the student's parent/guardian or the coach, advisor, principal, or superintendent has received a phone call from the parent/guardian requesting that the student be allowed to ride home after the activity with the parent/guardian or other specifically identified adult. This prior authorization shall be required even if the student is eighteen (18) years old or older unless the student is not residing with the student's parent/guardian.
2. At the conclusion of the activity, the coach or advisor shall not authorize the departure of the student to the adult specified in the prior authorization unless the coach/advisor meets the specified adult after the activity and the specified adults "signs out" the student.
3. Under no circumstances shall the coach/advisor authorize the student to leave with anyone other than the adult specified in the prior parent/guardian authorization.
4. In no case shall the coach/advisor authorize the student to leave with the specified adult if it is the opinion of the coach/advisor that the specified adult may be under the influence of alcohol or illegal drugs. The coach/advisor shall immediately contact law enforcement should the specified adult become disruptive/argumentative as a result of the coach's/advisor's decision to not release the student to the adult as a result of the coach/advisor having reasonable cause to suspect that the adult is under the influence of alcohol or illegal drugs.
5. If the student is to be dropped off by the school bus at a location other than the school, the student must present to the coach/advisor the day of the activity prior to the student/team/group leaving school for the activity a note signed and dated by the student's parent/guardian or confirmation that the coach, advisor, principal, or superintendent has received a phone call from the parent/guardian requesting that the student be allowed to depart the bus at a location other than at school. This prior authorization shall be required even if the student is eighteen (18) years old or older

unless the student is not residing with the student's parent/guardian. If the student is to depart the school bus at a location other than the school in order to drive home, the coach/advisor shall require the bus driver to remain at the location of the student's vehicle until the student's vehicle has started and left.

Adopted Date: November 26, 2012

FILE: I-13 RELEASED TIME FOR STUDENTS

The board will permit students, with the written consent of their parents, to receive moral or religious instruction at a suitable place away from the school as designated by the religious group. Students will be excused from school for such purposes no more than one (1) hour per week. Students enrolled in the District normally will not be released from school for private instruction in music, gymnastics, or other activity. The discretion of the building principal, however, may be exercised in unique or unusual circumstances.

Adopted Date: November 26, 2012

Legal References: SDCL 13-33-10

FILE: I-14 STUDENTS ALTERNATIVE INSTRUCTION

Children of compulsory school age must regularly attend some public or non-public school, unless excused from school attendance. Upon filing of a notification with a school official from the parent or guardian of the child because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics, the child shall be excused, without the necessity of school board action. The secretary of the Department of Education may inspect the attendance records and records showing academic progress of an alternative education program with fourteen (14) days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. Failure to provide instruction is grounds for the school board, upon thirty (30) days' notice, to revoke the excuse from school attendance.

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

Adopted Date: September 13, 2021

Legal References: SDCL 13-27-1; SDCL 13-27-2; SDCL 13-27-3; SDCL 13-27-7; SDCL 13-27-8; SDCL 13-27-9; SDCL 13-27-29

FILE: I-15 EXTRA CURRICULAR PARTICIPATION OF ALTERNATIVE INSTRUCTION STUDENTS

Students who participate in alternative instruction, i.e. who are home-schooled, shall have the opportunity to participate in District co-curricular and interscholastic activities if they meet the requirements of state law, the South Dakota High School Activities Association, and District policy, including regulations specified in the student handbooks.

The purposes of these regulations are twofold: (a) to allow alternative instruction students to participate in District co-curricular and interscholastic activities; and (b) to offer alternative instruction students an opportunity to participate in District co-curricular and interscholastic activities while remaining fair and equitable to students who regularly attend school at the McLaughlin School District. Nothing in this section confers any vested right in any student wishing to participate in any interscholastic activity to be selected for competition in such activity.

As a condition of participation, the alternative instruction student in grades 9-12:

1. Must have a completed and board-approved alternative instruction application on file with the McLaughlin School District
2. Must demonstrate compliance with CHAPTER 1, PART IV — Student Eligibility — and CHAPTER II, PART I — Further Eligibility for Athletic Contests — of the SDHSAA Eligibility Checklist for Alternative Instruction Students. Compliance with this provision must be demonstrated annually
3. Must be enrolled in the McLaughlin School District during the entire year in which the student participates in the extracurricular/co-curricular activity
4. Must attend a minimum of two (2) academic class periods per day minute periods/per semester) at McLaughlin High School
5. Must meet jointly with the principal to finalize a class schedule
6. The classes attended by the alternative instruction student must be classes that grant academic credit and one of which must include a 'core' course at the District (core courses are those within the areas of science, math, English and social studies); and
7. Must maintain passing grades in all classes enrolled in, not to exceed the number required of regularly enrolled students
8. Must remain in the two courses for the entire year, even if their preferred activity is held entirely within the fall or spring semester. Failure to remain in courses for the entire year shall eliminate their future eligibility for co-curricular/interscholastic activities
9. Must meet all attendance requirements as outlined in District board policy.
10. Must attend school on the day of participation in any interscholastic competition, the alternative instruction student must have attended both class periods that day to be eligible to compete in the contest
11. Must be enrolled in the gradual progression of courses based on their previous enrollment if the alternative instruction student is choosing to participate in vocal and

instrumental music. (To be eligible to audition for and participate in a Region Music Contest, All-State Chorus, All State Orchestra or All-State Band, the student must currently be enrolled and attending the school district's parallel musical organization, i.e., vocal music, band, orchestra. This rule is identical to the rule that applies to all students attending a SDHSAA member school).

12. Must meet and follow all training rules and codes of conduct set forth by the District
13. Must have an annual physical examination completed prior to participating on any athletic team
14. Must be at least fourteen (14) years of age if entering the senior year of high school (the student will be classified as freshmen for course requirement purposes)
15. No student will have any athletic/fine arts eligibility after his or her 20th birthday as per SDHSAA Eligibility Requirements
16. A student who leaves an accredited school for any reason to enter an alternative instruction program shall be ineligible for interscholastic competition for a period of one
17. year beginning on the date the student enters the alternative instruction program.
18. Any student, who was unable to maintain academic eligibility in an accredited school, shall be ineligible to participate as an alternative instruction student for a period of one semester. After one semester, the student may regain eligibility per the school district's administrative policy.
19. Junior high students will be eligible for co-curricular/extracurricular activities in a commensurate fashion with the senior high regulations

Adopted Date: November 26, 2012

FILE: I-16 STUDENT RIGHTS AND RESPONSIBILITIES

The board recognizes that it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered all persons under the federal/state constitutions and statutes. These rights, however, are not without limitations; students, while at school and at school activities, do not have the same degree of statutory and constitutional rights that they may have while not at school or at school activities or the same degree of statutory and constitutional rights as adults.

In connection with rights are responsibilities that must be assumed by students. A student is responsible for the way he/she exercises his/her rights and must accept the consequences of his/her actions and recognize the boundaries of his/her rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

These rights and responsibilities of students in the public schools of the District include:

1. Civil rights, including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others

2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension and expulsion; the responsibility to follow school rules and policies.
4. The right to privacy, which includes privacy in respect to the student's records.

Adopted Date: November 26, 2012

FILE: I-17 STUDENT DUE PROCESS RIGHTS AND STUDENT SUSPENSION/EXPULSION

Serious breaches of the expected standards of student behavior may result in suspensions or expulsions from school. Refer to the Student Council Policy, and to the Dangerous Weapons at School Policy as both address prohibited student conduct and which could result in a suspension and/or an expulsion. Principals are authorized to suspend pupils up to and including ten (10) school days, and the superintendent is authorized to suspend a student for up to ninety (90) school days (SDCL 13-32-4.2). No pupil may be suspended unless:

1. The pupil is given oral or written notice of the charges against him/her;
2. The pupil is given an oral or written explanation of the facts that form the basis of the proposed suspension; and
3. The pupil is given an opportunity to present his/her version of the incident.

Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In the event the chief superintendent suspends a student for longer than ten (10) days, the student shall be entitled to a hearing before the board. Hearing procedures as established by state regulations will be followed for all students subject to long-term suspensions or expulsion. The board hearing shall be held as soon as reasonably possible unless waived by the parents or guardians (or the student, if age eighteen (18) years old or older). No suspension longer than ten (10) days shall be implemented until the board hearing unless the hearing has been waived or unless the judgment of the superintendent that the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the student shall be immediately removed from school. Nothing above, however, shall limit the authority of the principal or superintendent to suspend the student for up to ten (10) days without a board hearing being required.

Discipline of students who are on an Individualized Education Program (IEP) shall be done in a manner consistent with the laws and regulations related to special education.

All students are entitled to due process when they are subject to suspension or expulsion or other disciplinary action. Due process procedures will conform to the following basic practices:

- a. Fairness,

- b. Apply equally to all students, and
- c. Enforced in a fair manner, which includes adequate and timely notice and opportunity to prepare and present a defense in a meaningful manner, and the right to a speedy and impartial hearing on the merits of the case.

Adopted Date: November 26, 2012

FILE: I-18 STUDENT CONDUCT

Students in the District are expected to act in an appropriate and responsible manner. Such behavior will reflect favorably on the student and on the school, show consideration for other students, school employees and guests at the school, and create a positive school environment in which to learn and work. All students have individual responsibilities and obligations in their conduct toward other people and with respect to property. Examples of student conduct on school grounds, on school buses, or at school activities which will subject a student to suspension, expulsion, or other disciplinary action and which may be reported to the legal authorities and subject to legal consequences, include, but are not limited to:

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

17. Bullying (to harm or to threaten to harm another student) is prohibited during the school day or at any school activity or function.

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

Adopted Date: November 26, 2012

FILE: I-19 STUDENT DRESS CODE

The responsibility for the dress and appearance of students enrolled in the McLaughlin School District primarily rests with parents/guardians and the students themselves. However, some student apparel may not be appropriate to wear to school even though that same apparel may be appropriate to wear in other settings. In general, students shall not dress or groom themselves in a manner that causes a disruption, poses a significant risk of a disruption to the orderly operation of the school, or subject other students to the presence of inappropriate clothing being worn at school.

One of the main objectives of the McLaughlin School District is to assist students in presenting themselves in a manner that promotes a positive and productive school environment, personal pride, academic success, and also to ensure the right of all students to not be subjected to inappropriate clothing worn by other students. The school, as a center of learning, shall provide for the development of habits and attitudes conducive to acceptable wearing apparel and good grooming. Wearing apparel shall not be of the type that would detract from the primary purpose of the school, which is academic instruction, nor shall accessories carried by students to school be disruptive to the conduct of the school, have the potential of creating a serious risk of disruption, or hazardous to student welfare. Student's dress shall be modest, neat, clean, and in keeping with health, sanitary, and safety practices.

Inappropriate clothing and appearance are disruptive to the school program and the principal's or principal designees shall enforce compliance with this policy by those students within their jurisdiction. When it is determined that a student's clothing does not comply with the dress code, the student will be required to cover or change the article of clothing and a parent/guardian may be asked to bring an appropriate change of clothes to school. The student may, with parental/guardian permission, be sent home to change clothes. If the student refuses to cover the inappropriate clothing or is unable to change into appropriate clothing, the student will be placed in in-school suspension for the remainder of the school day. In addition, the student will also receive a disciplinary consequence for violating the school's dress code policy.

This policy does not apply to clothing provided to students by the school for student school activities.

Violations of this Policy: Violations of this policy within the same school year shall be addressed with the following consequences:

First Offense: A warning will be issued to the student and will be recorded as a first offense. The student will be required to cover or change the article of clothing or the parent/guardian of student will be called and asked to bring an appropriate change of clothing. The student with parental/guardian permission may be sent home to change clothing. Any class time missed will be an unexcused absence. If for any reason a student refuses to comply with the directive to cover or change the inappropriate clothing the student will be placed in in-school suspension for the remainder of the school day and is subject to short-term suspension.

Second Offense: Parents/guardians will be notified that their student has had a second offense of not following the proper dress code. The student will be required to cover or change the article of clothing or the parent/guardian of student will be called and asked to bring an appropriate change of clothing. The student with parental/guardian permission may be sent home to change clothing. Any class time missed will be an unexcused absence. The student will be placed in in-school suspension for the remainder of the school day. If for any reason a student refuses any of the above consequences, the parents/guardians of that student will be notified and the student will be sent home that day as an unexcused absence and will be subject to short-term suspension.

Third Offense and Subsequent Offenses: Parents/Guardians will be notified that their student has had a third offense of failure to follow the proper dress code. The student will be required to cover or change the article of clothing or the parent/guardian of student will be called and asked to bring an appropriate change of clothing. The student with parental/guardian permission may be sent home to change clothing. Any class time missed will be an unexcused absence. The student will be placed in in-school suspension for the remainder of the school day. The student will be subject to short-term suspension for a third offense, and subsequent offenses will subject the student to long-term suspension or expulsion. If for any reason a student refuses any of the above consequences, the parents/guardians of that student will be notified; the student will be sent home that day as an unexcused absence and will be subject to expulsion.

Student Dress Code General Guidelines:

1. Undergarments may not be exposed.
2. The size of shirts and blouses shall be appropriate to the student's body size and shall not be unduly oversized or undersized.
3. Spaghetti straps and tank tops with appropriate neck lines may be worn with an outer shirt covering but may not be worn alone.
4. Halter-tops, midriff tops, tube tops, or clothing that exposes the upper torso are not allowed.
5. The size of the pants/jeans shall be appropriate to the student's body size and shall not be unduly "oversized and/or undersized."

6. Students may wear hemmed walking shorts, athletic shorts, or Bermuda shorts, but they cannot be shorter than the tip of the thumb when both arms are extended by the side.
7. Garments must be pulled up high enough to cover undergarments and backside.
8. The hem of girl's skirts or dresses shall not be shorter than the tip of the thumb when both arms are extended by the side.
9. Hooded sweatshirts will be allowed, but hoods of any type are not allowed to be up in the building.
10. All students shall wear appropriate shoes/footwear (no slippers).
11. Wearing and displaying any items that identify gang activity or gang association is prohibited (as gang activity/affiliation is determined by law enforcement).
12. Clothing encouraging the use of drugs, alcohol, or violence and clothing which refers to sexual conduct is prohibited.
13. Clothing associated with discrimination on the basis of age, color, handicap, national origin, marital status, race, religion, or sex is prohibited.
14. Clothing (or lack thereof) exposing any portion of the torso or upper thighs such as see-through garments, mini-skirts, or mini-dresses, halters, or backless dresses are prohibited.
15. Tube tops, tank tops, spaghetti straps, or shirts and blouses that have necklines so low that they are provocative are not allowed.
16. The mid-section of the body shall have no skin exposed at any time.
17. Spandex-style "bicycle" shorts are not permitted.
18. Overalls worn with one or both straps unfastened are prohibited.
19. The wearing of sunglasses, gloves, caps, stocking caps, hoods, scarves, hairnets, or bandanas is prohibited from the time class begins to the time class ends during the school day.
20. The wearing of trench coats by students during school hours and at school activities is strictly prohibited.

Exemptions to the Dress Code Policy: Exemptions to the Dress Code Policy shall be permitted by the principal upon appropriate documentation. In the event the wearing of clothing in compliance with the Dress Code violates a student's sincerely held religious belief or materially impacts a student's documented medical condition, then such student and the student's parent/guardian shall submit a signed affidavit setting forth the religious or medical issue and the requested exemption to the Dress Code Policy. The principal may request additional documentation to substantiate the requested exemption and the student and student's parent/guardian shall provide the additional documentation as requested. The principal, within the reasonable exercise of his or her discretion, shall determine if an exemption to the Dress Code Policy is appropriate and communicate that decision to the student and student's parent/guardian.

Adopted Date: November 26, 2012

FILE: I-20 STUDENT CONDUCT ON SCHOOL BUSES

When a child is riding, boarding, or leaving the bus, the bus driver has supervisory authority over the student and may exercise reasonable and necessary physical force necessary for supervisory control over students.

Students shall conduct themselves on the bus, while waiting for the bus, and when departing the bus in a manner consistent with the Student Conduct Policy. In cases when a child does not conduct him(her)self properly on a bus, such instances will be brought to the attention of the building principal and transportation supervisor by the bus driver. The building principal will inform the parents immediately of the misconduct.

Students who violate the school bus conduct policy and related school/bus driver rules may have their riding privileges suspended by the principal on a short-term or long-term basis. In such cases when bus riding privileges are suspended, the parents of the children involved are responsible for seeing that their children get to and from school.

Adopted Date: November 26, 2012

Legal References: SDCL 13-32-2, 13-32-4

FILE: I-21 SMOKING BY STUDENTS

The board, recognizing health and safety hazards associated with smoking, prohibits smoking in the schools or on the school grounds.

Consistent with state law (SDCL 34-46-2), no student under the age of eighteen (18) and while on school property shall be in possession of any tobacco product. No student may use tobacco or electronic nicotine delivery devices (e-cigarettes), which may not contain tobacco, while on school property.

Adopted Date: November 26, 2012

Updated: September 13, 2021

FILE: I-22 DANGEROUS WEAPONS IN THE SCHOOL

State and federal law and board policy prohibits any person except law enforcement officers from the bringing of dangerous weapons to school or school-sponsored activities, on school premises, including in any vehicle on school property, and at school activities at a site other than on school district property. A dangerous weapon is defined as any firearm, air gun, knife, device, or instrument which is calculated or designed or intended to or has the risk of inflicting death or bodily harm. For purposes of this policy, the term "firearm" includes any weapon

which is designed to expel a projectile by action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for a weapon, or any explosive, including any poison gas. This policy does not apply to starting guns while in use at athletic events, firearms or air guns at firing ranges, guns shows, and supervised schools or sessions for training in the use of firearms. Any weapon taken from a pupil shall be reported to the pupil's parents and may be reported to the police. Discipline and/or legal action shall be pursued by the District.

Any student found to have a firearm on school grounds or at a school activity shall be expelled for not less than twelve (12) months and will be referred to law enforcement authorities. However, the superintendent or chief administering officer of each local school district or system may increase or decrease the length of a firearm-related expulsion on a case-by-case basis. The student, prior to the expulsion, shall be entitled to a hearing pursuant to the District's student suspension/expulsion procedure.

Adopted Date: November 26, 2012

Updated: September 13, 2021

FILE: I-23 POLICY PROHIBITNG BULLYING

SECTION 1:

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

This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions. However, conduct which substantially interferes with the work of the school, causes material and substantial interference with school work and discipline, and might reasonably have led school authorities to forecast substantial disruption of material interference with school activities is not constitutionally protected speech and is, therefore, prohibited under this policy.

This policy shall apply to persons on school property and at school activities and events on non-school property, including when the person is in any school vehicle or when in a private vehicle located on school property. The prohibition against bullying shall also apply to District students when not on school property or at a school event off school property when the bullying conduct results in substantial interference with the work of the school, causes material and

substantial interference with school work and discipline, or reasonably causes school authorities to forecast substantial disruption of material interference with school activities.

District students who violate this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Third persons who violate this policy may be prohibited from being on school property.

SECTION 2:

Definitions:

1. Bullying: "Bullying" is defined as any physical, verbal, written, or electronic conduct directed toward a student that is sufficiently severe and offensive to a reasonable person that it:
 - a. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment for one or more students, and/or
 - b. Has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities (i.e., academic, co-curricular activities, extracurricular activities, and social opportunities, etc. within the school environment).
 - c. The definition of bullying specifically includes stalking, harassment and threatening/harassing contacts by telephone or other communication devices as set forth in SDCL 22-19A-1, SDCL 22-19A-4 and SDCL 49-31-31
 - i. SDCL 22-19A-1. Stalking. No person may:
 - I. Willfully, maliciously, and repeatedly follow or harass another person;
 - II. Make a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or
 - III. Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
 - ii. SDCL 22-19A-4. Harasses defined. Harasses means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose
 - iii. SDCL 49-31-31. Threatening or harassing contacts by telephone or other electronic communication device. No person may use or knowingly permit a telephone or other electronic communication device under his or her control for any of the following purposes:
 - a. To contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act;

- b. To contact another person with intent to threaten to inflict physical harm or injury to any person or property;
 - c. To contact another person with intent to extort money or other things of value;
 - d. To contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.
 - e. Examples of bullying prohibited by this policy include, but are not limited to, intentional or reckless verbal, nonverbal, physical, written, or electronic conduct that:
 - iv. Is threatening in nature (implied or explicit)
 - v. Is demeaning in nature
 - vi. Causes fear, suffering, discomfort, or injury to a student
2. Electronic: “Electronic” is defined as any communication involving the transmission of
- a. Information by wire, wireless broadband, radio, optical cable or similar means, and includes but
 - b. Is not limited to communication via electronic mail, internet-based communications, pager
 - c. Service, cell phones, landline telephones, electronic text messaging or similar technologies
 - d. Bullying through electronic means is often called “cyber bullying”
3. Third Parties: “Third parties” is defined as persons, including but not limited to, school volunteers, school guests and visitors, students from other schools when at a McLaughlin School District activity, and contractors (including contractor’s employees).

SECTION 3:

- A. **REPORTING PROCEDURE:** Any individual who believes that he or she has been or is being subjected to bullying or has reason to suspect another person has been or being subject to bullying should immediately report it to an adult at school. The report initially may be made verbally or in writing. The adult then must notify the principal in writing of the incidents that occurred within two (2) days of the report. If the person making the complaint wishes the District to take disciplinary action against another person, the individual making the complaint will be required to either submit a signed written complaint or signed information reporting statement written by the person to whom the report was given and verifying the contents of the reporting statement. The written complaint or reporting statement must include the name of the person making the complaint, the person(s) alleged to have bullied the complaining party or another person, the date(s) and the specific conduct giving rise to the bullying complaint. The principal shall investigate all written reported instances involving bullying.

- B. **PROCEDURE FOR ADDRESSING COMPLAINTS:** The District strictly prohibits retaliation against any person because he or she has made, reported, testified, assisted, or participated in the investigation of a report of alleged bullying. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have bullied another person shall not directly or indirectly (such as through a third person) harass, pressure, or retaliate against any other person because of the complaint being reported and a violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes he or she is being subjected to retaliation because of his or her involvement with complaint should immediately contact a school administrator.
1. Should there be a written complaint of bullying which alleges a McLaughlin School District student has been subjected to bullying or has been bullied by a third person and the person alleged to have committed the bullying act(s) is subject to this policy, an investigation of the alleged incident(s)/behavior(s) will be initiated within two weeks. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities of the victim (and if so, in what manner), identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification and from other persons. If the alleged conduct may constitute a violation of SDCL 22-19A-1 (Stalking), SDCL 22-19A-4 (Harassment), or SDCL 49-31-31 (threatening or harassing contacts by telephone or other electronic communication device) the District shall notify local law enforcement or state's attorney.
 2. The person alleged to have bullied another person will be notified verbally and in writing that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless the investigation results in a determination that there is reasonable cause to suspect that bullying did occur.
 3. Pending the outcome of the investigation, the principal/superintendent may take such action consistent with law as deemed appropriate to facilitate the investigation and protect the rights of all persons involved. If it is found that bullying did occur, the principal may enact consequences prior to board notification, not to exceed ten (10) days of OSS.
 4. Upon reasonable suspicion by the person responsible for the investigation that the allegation of bullying may be true, the student or third person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, a statement of the facts supporting the determination that

reasonable suspicion exists, and the name of the alleged victim and complaining individual(s).

5. The District will maintain confidentiality to the maximum extent possible under the circumstances. However, a person reporting bullying conduct must understand that should the administrator investigating the complaint determine there is reasonable cause to suspect that bullying did occur which could result in administrative discipline or a referral to the Board of Education, the person alleged to have abused the other person has the right to know the identity of the person(s) making the complaint in order that he/she may have an opportunity to defend himself/herself against the complaint.
6. The student alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond in writing but is not required to submit a written response.
7. At the conclusion of the investigation, the administration may up to the extent of administrative authority impose disciplinary action or alternatively refer the matter to the Board of Education. Should the administration impose discipline upon the student and not refer the matter to the board, the student disciplined may file an appeal (grievance) directly with the Board of Education pursuant to the applicable grievance policy.
8. If the administration refers the matter to the Board of Education, the student alleged to have bullied another person a hearing will be held before the Board of Education consistent with due process procedures.
9. If there is reasonable suspicion to believe that a third person bullied a McLaughlin School District student, employee, or guest while at school or at a school activity on non-school property in violation of this policy, the administration may prohibit that person from being on school property or at school activities.

C. BOARD HEARING:

1. Should the matter be referred by the administration to the board, a formal hearing shall be held before the board in executive session.
2. At the hearing, the administration shall present evidence relative to the allegation of bullying and the student accused of violating this policy will have an opportunity to present evidence in his/her defense.
3. The standards of due process shall be adhered to at the board hearing, including the right of the person accused of violating this policy to have representation and to cross-examine the complaining party.

D. BOARD DISCIPLINARY ACTION: If, following the board hearing, the board determines there has been a violation of this policy prohibiting bullying, board action may include but is not limited to the following:

1. If the person found violating this policy is a student, the board may suspend or expel the student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities.
2. If the person found violating this policy is a third person that person may be prohibited from being on school property or at school activities for such time as may be determined by the board.

Adopted Date: November 26, 2012

Revised Date: April 10, 2013

Date of Report: _____

Bullying Report

Name of victim		Reported to	
Name of alleged bully			
Date of incident			
Nature of the incident			

Signature of Victim	
Signature of Administrator	
Date reported to Superintendent	
Signature of Superintendent	
Date referred to School Board	

Action Taken

FILE: I-24 STUDENT RECORDS POLICY

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

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

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

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

FERPA also permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure.

Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- a. To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1));
- b. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2));
- c. To authorize representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as the state educational agency in the parent or eligible student's state (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35);
- d. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4));

- e. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5));
- f. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6));
- g. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7));
- h. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8));
- i. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9));
- j. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10));
- k. Information the school has designated as "directory information" under §99.37. (§99.31(a)(11)). "Directory information" is student information in educational records which may be disclosed without prior written consent unless the parent or eligible student informs the McLaughlin School District in writing such information is not to be disclosed. The law authorizes the McLaughlin School District to identify what constitutes directory information which may be disclosed without prior written consent unless the parent or eligible student informs the McLaughlin School District in writing to not disclose any or all of the information designated as directory information.

The McLaughlin School District designates the following information as personally identifiable information contained in students' education records. The following information may be released without prior written consent from the parent or eligible student (student age eighteen (18) or older) unless the parent or eligible student has given written notice that the information is not to be disclosed without prior written consent.

1. Student's name
2. Name of student's parents
3. Student's address
4. Student's date of birth
5. Student's class designation
6. Student's extracurricular/co-curricular activities (and height and/or weight in sports activities)
7. Student's height and/or weight
8. Student's photograph

Parents and eligible students shall receive notice annually of their right to refuse the disclosure of any or all of the directory information. Except for the above designated directory information, all other confidential educational records shall not be released without prior written consent from the parent or eligible student or unless authorized or required by law.

Adopted Date: November 26, 2012

FILE: I-25 INTERROGATIONS AND SEARCHES

A. Searches by the Staff

The right and need of inspection of students' school lockers, desks, and personal property is inherent in the authority granted school boards and administrators for the purpose of ensuring student and employee safety and the enforcement of school rules and policies. Lockers and desks are school property which students have the privilege of using and students do not have a total right of privacy to the contents of their assigned lockers and desks and may be searched by school officials upon reasonable cause to suspect that the search will reveal evidence of a violation of a school rule and/or criminal law. The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.) and personal property of students (clothing, book bags, gym bags, purses, etc.), and the seizure of items:

1. There must be reasonable cause and individualized suspicion (of the student's locker/desk/personal property) by school authorities to believe that an article kept in the locker, desk, clothing, book bag/gym bag, purse, etc. constitutes evidence of a crime and/or school rule violation.
2. Search of school property assigned to a student shall be for a specifically identified item and shall be conducted in his/her presence and with his/her knowledge unless an immediate perceived threat exists to safety of students and/or employees; in such cases, a search may be conducted without prior notice to the student and without the student being present.
 - a. General housekeeping inspection of school property may be conducted with reasonable notice.
 - b. Illegal items (drugs, weapons, etc.) or other possessions reasonably considered to be a threat to the safety or security of others may be seized by school authorities at any time.
 - c. No strip searches (strip searches are defined as the removal of the layer of clothing immediately covering the skin/undergarment) shall be conducted by school personnel. Should school personnel believe that a strip search is necessary under the circumstances, the school will immediately contact law enforcement, and the student shall remain in the immediate presence of a school official until a law enforcement officer arrives.
 - d. The school may, for purposes of conducting a search of school property assigned to a student or a search of a student, have a law enforcement officer present during the search.

- e. The school may request law enforcement to bring a drug-sniffing dog to school, without prior notice to students, for the purpose of identifying the presence of illegal drugs in school buildings, on school property, and in student parking areas on and adjacent to school property.

B. Searches of Student Property by Police

Unless the school requests law enforcement officer presence and assistance when the school is conducting a search, the school will request from a law enforcement officer a search warrant prior to any search by a law enforcement officer of a student's personal property kept on school premises.

C. Police / Department of Social Services interview/questioning of students

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

It is therefore the policy of the District that:

1. Should a law enforcement officer wish to talk with a student under the age of eighteen (18)* while the student is at school and interview the student for a reason other than investigating suspected child abuse or neglect, or the law enforcement officer assisting the school in investigating a possible violation of a school rule, the District will not allow the law enforcement officer to question the student unless the school has first notified the student's parents and received permission from a parent for the student to talk with the law enforcement officer. The parents have the right deny the request from law enforcement. The parents shall also have the right to be present during the interview should permission be granted by parents for a law enforcement officer to talk with the student.
2. Should the Department of Social Services (DSS) or a law enforcement officer (LEO) be investigating suspected child abuse or neglect and wish to talk with a student under the age of eighteen (18) while the student is at school, the request to talk with a student shall be in writing and given to the school. The DSS/LEO written request shall include the name of the person making the request, date of request, date of interview, and that the request is made for the reason of investigating suspected child abuse or neglect. South Dakota law requires investigation of suspected child abuse to be kept confidential; said investigation can be done without notification to parents. Therefore, the school will not notify parents of a request by the Department of Social Services or law enforcement to talk with a student in such instances.

3. Upon the student reaching the age of eighteen (18), the student is a legal adult and has the legal right to make decisions without parental involvement. However, the student, even if age eighteen (18) or older, may choose to contact his/her parents and/or attorney for advice before the student responds to a request by a law enforcement officer for the student to talk with the law enforcement officer.

Adopted Date: November 26, 2012

FILE: I-26 STUDENT GRIEVANCE POLICY & PROCEDURE

1. A "grievance" is defined as a complaint by a student (or parent on a student's behalf) based upon an alleged violation, misinterpretation, or inequitable application of any existing policies, rules, or regulations of the School District. The absence of or disagreement with existing policy, rules, or regulations is not a "grievance" under this policy. The purpose of this policy is to outline a procedure for addressing a student grievance. Sexual harassment complaints are addressed through the Policy Prohibiting Sexual Harassment and not through this policy.
2. It is the belief of the board that often grievances arise as the result of a misunderstanding, which may be resolved through the mutual efforts of the person having the concern/complaint and the employee involved. For that reason, every effort should be made by all parties involved to resolve the concern or complaint at the lowest procedural level. It is only in those situations that the concern or complaint cannot be resolved to the mutual satisfaction of the complaining party and the employee that the administration and then ultimately the board should be involved.
3. When a complaint (grievance) is brought directly to the administration, board, or an individual board member, the person having the complaint/concern/grievance shall be directed to the procedure as set forth below. The following procedure is designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the person against whom the complaint is made. It is only when the concern/complaint/grievance cannot be mutually resolved at the complainant/employee level or not resolved at the administrative level will the board become involved and act as a fair and impartial finder of fact and decision-maker.

COMPLAINT PROCEDURE

1. A student or parent on behalf of the student having a complaint/grievance must first meet and discuss the concern with the employee involved.
2. (A) If the meeting between the person having the complaint and the employee does not resolve the concern or complaint, the person having the concern or complaint shall submit the complaint in writing to the principal (Appendix A - Complaint Form). The person making the complaint shall, with specificity, identify (1) the employee involved and what the problem is, (2) who was offended by the employee's conduct, (3) when

the problem started, (4) what transpired at the meeting held pursuant to paragraph #1, (5) what the person filing the complaint requests as a resolution to the concern/complaint, and (6) any other pertinent facts, such as witnesses, location of the incident giving rise to the concern/complaint, etc.

- a. The principal will provide a copy of the complaint to the employee involved. The employee shall, within five (5) working days, provide the principal with a written response to the complaint. The person filing the complaint shall receive a copy of the employee response.
 - b. The principal will schedule a meeting between the complainant, employee, and principal, with the meeting to be held within ten (10) days of the complainant receiving a copy of the employee's response.
 - c. Within ten (10) days after the meeting between the complaining party, employee, and principal, the principal shall make a determination as to the merits of the complaint and administrative resolution. The person filing the complaint and the employee shall receive written notification of the principal's determination/resolution.
3. If the complaining party or employee is dissatisfied with the principal's determination/resolution, he or she may, within ten (10) days of receiving the principal's written decision, appeal the decision to the superintendent of schools. The appeal shall be in writing (Appendix B - Appeal To Superintendent).
- a. The superintendent shall review documentation relative to the appeal and at his or her discretion, may (1) meet with the complainant and employee, (2) meet with the complainant, employee, and principal, (3) discuss the matter with the principal, and shall (4) uphold, reverse, or modify the principal's decision based on the record (i.e., the written complaint, employee response, and principal's written determination) or refer the matter directly to the board.
 - b. Within 15 school days from the date the appeal was filed with the superintendent, the superintendent shall in writing, with copies provided to the complainant, employee and principal, either uphold, reverse or modify the principal's decision, or give notice the matter has been referred to the board.
 - c. Should the complainant or employee be dissatisfied with the superintendent's decision, he or she may appeal the decision to the Board of Education. The appeal shall be in writing (Appendix C - Appeal To Board Of Education) and must be filed with the business manager within ten (10) days of the superintendent's decision being received.
4. Upon receipt of an appeal to the board, the board, at its next meeting, shall (a) schedule a hearing before the entire board or (b) appoint as an Appeal Board a sufficient number of board members necessary to conduct official business who shall be responsible for scheduling and conducting the hearing. The following procedure shall be applicable at a board hearing:
- a. The hearing shall be in executive session.
 - b. Both parties have the right to be represented at the hearing.
 - c. The issue on appeal is whether the superintendent's decision should be upheld, reversed, or modified.

- d. Both parties shall be given the opportunity to make an opening statement, with the party appealing the superintendent's decision being given first opportunity. The party appealing the superintendent's decision shall present his or her case, followed by the other party. Both parties shall have the opportunity to ask questions of the other's witnesses.
5. The board may ask questions of any witness, or may ask the principal and/or superintendent questions, to attempt to get a better understanding prior to making any decision on the complaint.
6. Both parties shall be given the opportunity to make a closing statement, with the party appealing the superintendent's decision being given first opportunity.
7. After the evidentiary portion of the hearing, everyone will be directed to leave the room except for the board (and the board's legal counsel if applicable), and the board will review the evidence presented.
8. The board will reconvene in open session and a motion to uphold, reverse, or modify the superintendent's decision shall be made and voted upon. [The board may in its discretion continue the proceedings and make a decision at a later date.] The findings and decision consistent with the board motion shall be in writing and the complainant, employee, principal, and superintendent will receive copies after the same are approved by the board at the next subsequent board meeting.
9. Any party dissatisfied with the Board/Appeal Board decision may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

NOTE:

1. Should the complaint/grievance be filed as the result of a decision by a principal, the procedure as set forth in #1 and #2 above shall be followed, except that the superintendent shall be the administrator addressing the concern/complaint, and an appeal of the superintendent's decision may be filed with the Board of Education.
2. Should the complaint/grievance be filed as the result of a decision by the superintendent, the procedure as set forth in #1 and #2 above shall be followed and the board will designate an individual (such as but not limited to a retired school administrator, school board member, or school administrator from another school district) to be the administrator addressing the concern/complaint and an appeal of the administrative decision may be filed with the Board of Education.

Adopted Date: November 26, 2012

APPENDIX A - COMPLAINT/GRIEVANCE FORM

**McLaughlin School District 15-2
Formal Complaint Form**

Aggrieved Person _____ Date Filed _____
School _____ Subject Area or Grade _____

1. Date Complaint Occurred: _____
2. Statement of Complaint: _____
3. Action Requested or Relief Sought: (Attach Additional Sheet if Needed)

Signature of Aggrieved

Date

LEVEL I

1. Date Complaint Received: _____
2. Decision of the Principal or Immediate Supervisor: (Attach Additional Sheet if Needed)

Signature of Principal or Supervisor

Date

3. Aggrieved Person's Response:

_____ I accept the above decision.

_____ I hereby refer the above decision to the next step of the complaint procedure.

Signature of Aggrieved

Date

LEVEL II

1. Date received by Superintendent or Designee: _____

2. Decision of superintendent or Designee: (Attached additional sheet if needed)

Signature of Superintendent or Designee

Date

3. Aggrieved Person's Response:

_____ I accept the above decision.

_____ I hereby refer the above decision to the next step of the complaint procedure.

Signature of Aggrieved

Date

Level III

Date Submitted to School Board of Designee: _____

Disposition of the School Board:

Signature of School Board President

Date

APPENDIX B - APPEAL TO SUPERINTENDENT

DATE FILED: _____

APPEAL OF THE PRINCIPAL'S DECISION IS MADE FOR THE FOLLOWING REASON(S) [WITH SPECIFICITY, STATE HOW OR WHY THE PRINCIPALS DECISION IS BELIEVED TO BE WRONG]:

ATTACH A COPY OF THE COMPLAINT FILED (FORM A) WITH THE PRINCIPAL, THE EMPLOYEE(S) WRITTEN RESPONSE, AND THE PRINCIPAL'S DECISION.

Date

Appellant

Date Received

Superintendent

FILE: I-27 STUDENT DISCIPLINE

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

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

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

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

Adopted Date: November 26, 2012

FILE: I-28 REASONABLE AND NECESSARY PHYSICAL FORCE AUTHORIZED

Superintendents, principals, supervisors, and teachers and their aids and assistants have the authority to use the physical force that is reasonable and necessary for supervisory control over students. Authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses.

Reasonable and necessary physical force is authorized in the following situations:

1. To remove a student who has refused to comply with requests to refrain from disruptive behavior.
2. To restrain or control a student that is out of control.
3. To protect other persons from physical injury.

4. To protect property of the school or others.
5. For self-defense; and
6. Consistent with Policy I-28.1 Restraint and Seclusion.

Any employee using physical force to control a student will document the incident in writing, with copies given to the principal and superintendent by the close of the following school day. The superintendent will keep the board apprised of the unusual or extreme incidents of the use of physical force. The use of corporal punishment, defined as any act of physical force on a pupil for the purpose of punishing that child, is prohibited.

Adopted Date: November 26, 2012

Legal References: SDCL 13-32-2

FILE: I-28.1 RESTRAINT AND SECLUSION

I. Policy Rationale and Philosophy:

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

The District believes that the school environment should be one in which the care, safety, and welfare of all students and staff members are priorities. Efforts to promote positive interactions and solutions to potential conflict should be extensive. In the event that an individual's behavior presents a threat of imminent harm to self or others, the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

II. Definitions:

A. Positive Behavior Interventions and Support:

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

B. Physical Restraint:

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

C. Seclusion:

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

D. Timeout:

A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

III. Requirements for the use of Physical Restraint:

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

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained;
- e. continually observe the student in restraint for indications of physical or mental distress;

- f. contact appropriate emergency entities according to District crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;and
- g. remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.

IV. Prohibited Practices for Use of Restraints:

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

- a. Prone restraint, which is physical pressure applied to any part of the student’s body to keep the student in a face-down position on the floor or other surface, except when the use is necessary and reasonable in manner and moderate in degree;
- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head, and or neck of the student;
- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
- g. Deprivation of basic needs;
- h. Chemical restraint;
- i. Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- j. Using other students or untrained staff to assist with the hold or restraint;
- k. Securing a student to another student or fixed object;
- l. Aversive behavioral interventions; or
- m. Seclusion in a locked room or area.

V. Requirements for Use of Seclusion:

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

- a. A room or area used for seclusion must:

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

VI. Prohibited Practices for Use of Seclusion:

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

VII. Reporting and De-Briefing Requirements after the Use of Physical Restraint or Seclusion:

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

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

VIII. Training and professional development:

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

IX. District Monitoring:

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

X. Complaint:

- a. A parent/guardian who feels that a school employee violated this policy may file a complaint pursuant to Policy J-4, Complaint Against School Employee.
- b. If the student is a student with a disability, the parent/guardian of the student with a disability may file a complaint with the South Dakota Department of Education, Office of Special Education instead of filing a complaint pursuant to Policy KL: Complaint Against School Employee.

Notes:

(1) Section VII (a)(ii) and (b)(i) refers to Policy I-28.1.1, Exhibit 1, Restraint and Seclusion - Incident Report Form, and Policy I-28.1.2, Exhibit2, Restraint and Seclusion - Debriefing Form.

(2) Section X. a. and b. refer to Policy J-4, Complaint Against School Employee

Adopted Date: September 13, 2021

Staff member submitting report

Submitted to Administration at _____ time _____ date

FILE: I-28-1.2

RESTRAINT AND SECLUSION

DEBRIEFING FORM

Student: _____ Date of Incident: _____

Date of Debriefing: _____

Present:

Name	Position	Signature	Has the staff completed restraint training?

1. Give a brief description of the circumstances (antecedents) leading up to this incident.
2. Give a summary of the incident.
3. What was the intervention used?
4. What was the outcome?
5. From information gained, what changes (if any) should be made?
6. Has a support plan been initiated? ___Yes___No

If yes, who was contacted?

7. If applicable, how will the support plan affect any of the following:

- Behavior intervention plan (BIP)
- 504 plan
- Individualized Education plan (IEP)
- Does the team need to reconvene?

If yes, name of person responsible for notifying the team

BIP ___Yes___Date ___N/A

504 ___Yes___Date ___N/A

IEP ___Yes___Date ___N/A

8. Is this a repeated instance of restraint or seclusion, if so, a Functional Behavioral Assessment (FBA) shall be conducted. Has an FBA been initiated? ___Yes ___No / completed? ___Yes ___No

NOTE: Process for requesting additional help. (District should insert their specific process to direct teams in next steps for additional help)

9. Additional comments (if any)

FILE: I-29 POLICY FOR STUDENT SELF-ADMINISTRATION OF MEDICATION

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

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

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

6. The parent/guardian gives permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event or authorizes the school to secure (store) the medication for the student until self-administration of the medication is necessary. In no circumstances shall the prescription medication be stored in the student's locker.

Adopted Date: November 26, 2012

AUTHORIZATION FOR SELF-ADMINSTERED MEDICATION PHYSICIAN/LICENSES HEALTH CARE PROVIDER STATEMENT

The student has

_____ Asthma

_____ Anaphylaxis

_____ Both asthma and anaphylaxis

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

Name and purpose of medication _____

Prescribed dosage of medication _____

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

Period for which the medication is prescribed _____

Signature of Physician/Other Licensed Health Care Provider

Date

Adopted Date: November 26, 2012

PARENTAL AUTHORIZATION

I am the parent/guardian of _____ and I authorize my child/ward _____ to self administer the prescription medication identified above while on school property or at a school-related event or activity.

I hereby release the McLaughlin School District and its employees and agents from liability for injury arising from the student’s self-administration of the prescription medication while on school property or at a school-related event unless in cases of wanton or willful misconduct.

I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student’s immediate access to the medication.

I authorize the school nurse to inform appropriate school employees (i.e., instructors, teacher aide’s, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.

I _____ do _____ do not (initial one) give permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event. If permission is not given by the parent/guardian for the student to have the prescription medication with the student, the school shall secure (store) the medication for the student until self-administration of the medication is necessary. In no circumstances shall the prescription medication be stored in the student’s locker.

Signature of Parent/Guardian

Date

Adopted Date: November 26, 2012

FILE: I-29.1 ADMINISTRATION OF MEDICATIONS TO STUDENTS

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

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

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

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

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

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

Prescription medication administration may be delegated only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

Adopted Date: September 13, 2021

Legal References: SDCL 13-32-10 (Definition of terms regarding self-administration of medication)
SDCL 13-32-11 (Student self-administration of prescription asthma and anaphylaxis medication)
SDCL 13-32-12 (Disciplinary action regarding self-administration of medication)
SDCL 13-32-13 (Applicability of provisions regarding self-administration of medication)
SDCL 13-33A (School health services)
SDCL 13-33A-6 (Administration of epinephrine auto-injector)
ARSD 20:48:04.01:09 (Training required for delegated prescription medication administration)

FILE: I-29.2 ADMINISTRATION OF MEDICATIONS TO STUDENTS

CONSENT FORM

1. I am the parent/guardian of _____ and I authorize my child/ward _____, grade _____, to be administered the prescription/nonprescription medication identified below while on school property or at a school-related event or activity by the school nurse or employee trained in the administration of prescription medication.

2. I hereby release the District and its employees and agents from liability for injury arising from the school's administration of the medication while on school property or at a school-related event.

3. I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student's immediate access to the medication.

4. I authorize the school to inform appropriate school employees who would have a need to know of the administration of medication (i.e., such as school nurse, instructors, teacher aides, school administrators, activity supervisors, and bus drivers).

5. I acknowledge and agree that the school shall secure (store) the medication for the student until administration of the medication is necessary, and that in no circumstances shall the medication be stored in the student's locker.

Medication: _____

Dose: _____

Time: _____

Authorization Start Date: _____

Authorization End Date: _____

Signature of Parent/Guardian

Date

FILE: I-30 STUDENT COMMUNICABLE DISEASES

Students who are afflicted with a communicable contagious and/or infectious disease and who are infected with communicable parasites or who are liable to transmit such a disease or parasite may be excluded from school attendance. The board recognizes the need and right of all children to receive free and appropriate education. The board further recognizes its responsibility to provide a healthy environment for all students and school employees.

A determination of whether an infected student be excluded from the classroom or school activities shall be made on a case-by-case basis, under the direction of the principal/building administrator, or designee. In situations where the decision requires additional expertise and knowledge, the building administrator will refer the case to an advisory committee for assistance in the decision making.

The advisory committee may be composed of:

1. A representative from the State Health Dept.
2. The student's physician.
3. The student's parents or guardian(s).
4. The school principal or designee.
5. The school health service's supervisor.
6. The superintendent or designee; and
7. Primary teacher(s).

In making the determination, the advisory committee shall consider:

1. The behavior, developmental level, and medical condition of the student.
2. The expected type(s) of interaction with others in the school setting.
3. The impact on both the infected student and others in that setting.
4. The South Dakota Department of Health guidelines and policies; and
5. The recommendation of the County Health Officer, which may be controlling.

The advisory committee may officially request assistance from the State Department of Health. If it is determined that the student will not be permitted to attend classes and/or participate in school activities, arrangements will be made to provide an alternate educational program. If that requires personal contact between student and school employees, only trained volunteer employees shall be utilized.

Public information will not be revealed about the student who may be infected. If the student is permitted to remain in the school setting, the following procedure will be followed by the principal:

- 1) Information will be provided, as appropriate to school employees who have regular contact with the student as to the student's medical condition and other factors needed for consideration in carrying out job responsibilities.

- 2) Health guidelines for school attendance are established and interpreted within the context of the case.
- 3) The guidelines are not inclusive but are available to be used as a resource. School personnel will refer to health professionals for specific judgments in interpreting the guidelines.
- 4) Appropriate handling of blood and body fluids, hand washing after contamination, food preparation, and health/hygiene care performed in different sick and work areas, maintenance cleaning, and other personal hygienic measures are part of creating a healthy environment.
- 5) Specific health concerns may require the advisory committee to make a determination on school attendance or participation in school activities.

Adopted Date: November 26, 2012

FILE: I-31 STUDENT COMMUNICABLE DISEASE GUIDELINES

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

Disease and Incubation Period Rules for School Attendance

Acquired Immune Determination – will be made by the Deficiency Syndrome Advisory Committee as outlined in (AIDS) the Communicable Disease policy. 6 month-five years

Chicken Pox – 14-21 days The student may attend school after all pox are dry and scabbed.

Cytomegalovirus – The student may attend school (CMV) Salivary Precautions should be taken by Gland Viruses contacts with immunosuppressant as anti-cancer or organ transplants as well as anyone with suspected or known pregnancy. Good hand-washing in all cases should eliminate risk of transfer of infection.

Fifth Disease – The student may attend school with (Erythema Infectiosum) physician's permission. 6-14 days

Giardiasis – The student may attend school if (Intestinal Protozoan the student practices independent Infection) and hygienic bathroom skills. 5-25 days or longer. Other students may attend school after the third day of drug treatment. Good hand washing in all cases should eliminate risk of transfer of infection.

Herpes Simplex – The student may attend school 2-12 days during an active case if the student has the ability and practices personal hygiene precautions and the area of lesion is covered.

Impetigo – The student may attend school if variable 4-10 days treatment is verified and covered or dry

Infectious Hepatitis – The student may attend school 15-40 days with physician's written average 25 days permission and if the student has the ability to take appropriate personal hygiene precautions.

Measles – (Red, Hard, Rubeola, 7 day) The student may attend school after a minimum of 7 days. 8-14 days Students who have had contact with measles may attend school if immunization is up to date.

Infectious – The student may attend school Mononucleosis with physician's permission. (Glandular Fever) The student may need adjusted 2-6 weeks school days and activities

Mumps – The student may attend school 12-21 days after swelling has disappeared.

Pediculosis – The student may attend school (Lice, Crabs) after treatment. After repeated infestation of the same student, the student may be excluded until all nits are removed.

Pink Eye – The student may attend school (Conjunctivitis) after the eye is clear, under treatment or with physician's written permission.

Plantar's Wart – The student may attend school. Students should not be permitted to walk barefoot.

Ring Worm – The student may attend school (Scalp, Body, if the area is under treatment Athlete's Foot) and covered. Restrict known cases of athlete's foot from pools and showers until under treatment.

Rubella – (3 day German measles) The student may attend school 14-21 days after a minimum of 4 days. Prevent exposure of pregnant women.

Scabies – (7 year itch, Mites) The student may attend school after treatment.

Streptococcal Infections – The student may attend school 24 hours after initiating oral (Scarlet Fever, antibiotic therapy, and clinically well. Scarletina, Strep Throat) 1-3 days

All communicable and chronic disease should be reported to Health Services in the time interval between initial contact with an infectious agent and the first sign or symptom of the disease.

FILE: I-32 MCLAUGHLIN HIGH SCHOOL GRADUATION REQUIREMENTS

Students need a Personal Learning Plan that documents a minimum of twenty-two (22) credits that include the following: <https://doe.sd.gov/gradrequirements/>.

Adopted Date: September 13, 2021

FILE: I-33 GRADUATION PARTICIPATION

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying District standards, and passing any required assessments. The McLaughlin School Board believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

At the discretion of the mutual agreement of the principal, superintendent, and school board president, a student who will complete graduation requirements during the summer or who is no more than one (1) credit (two (2) semester courses) from meeting graduation requirements may participate in graduation exercises without receiving his/her diploma. The student, their parent/guardian, principal, and superintendent will meet to determine a student's eligibility to participate in graduation ceremonies. The school board president will be involved in the decision when the principal and superintendent are in mutual agreement that a student is not eligible to participate in graduation ceremonies. All other decisions beyond this scope may be presented to the full school board for final action. When the requirements have been satisfied, a diploma shall be sent to the student.

Except as set forth above, students will not be allowed to go through graduation exercises if they have not met the McLaughlin School District and State of South Dakota graduation requirements. Any other deviations beyond the scope of this policy or any extraordinary circumstances that may need special consideration may follow the same process as above with ultimate authority resting with the McLaughlin School Board who will render a final decision on each special circumstance.

Adopted Date: September 13, 2021

FILE: I-34 SERVICE ANIMALS AT SCHOOL

The following rules shall govern the use of service animals by persons in the schools.

A. General Conditions

1. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in school. A "service animal trainer" is any person who is employed by or volunteers for an organization generally recognized by agencies involved in assisting persons with disabilities as reputable and competent to provide service animals with training, and who is actively involved in the training process.
2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.

3. "Service animal" is a dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, except miniature horses, are not service animals for purposes of this definition.
 - a. The work or tasks performed by a service animal must be directly related to the individual's disability. Under state and federal law, work and tasks may include, but are not limited to: (1) assisting individuals who are blind or have low vision with navigation and other tasks; (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds; (3) providing nonviolent protection or rescue work; (4) pulling a wheelchair; (5) assisting an individual during a seizure; (6) alerting individuals to the presence of allergens; (7) retrieving items such as medicine or a telephone; (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities; or (9) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
 - b. Tasks performed by psychiatric service animals may include reminding individuals to take medicine, providing safety checks or room searches for individuals with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.
 - c. The crime-determent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of Title II.
 - d. The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider (i) the type, size, and weight of the miniature horse and whether the facility can accommodate these features; (ii) whether the handler has sufficient control of the miniature horse; (iii) whether the miniature horse is housebroken; and (iv) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. This entire policy, and all federal and state laws, which apply to service animals, shall also apply to miniature horses.
4. The District is not responsible for the care or supervision of a service animal and will not be responsible for the training, feeding, grooming, or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.

5. A service animal shall be under the control of its handler. All service animals must be kept on a harness, leash, or tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
6. The individual (in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal, consistent with any applicable laws.
7. Individuals with disabilities shall be permitted to be accompanied by their service animals on all property owned or leased by the school district where members of the public, participants in services, programs, or activities, or invitees are allowed to go, subject to Section C. 1.

B. Administrative Review of Service Animals

1. Whenever a service animal is in the school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized school official may ask:
 - a. Whether the service animal is required because of a disability;
 - b. What work or task(s) the animal has been trained to perform; or
 - c. In the case of a service animal trainer, for documentation to be provided of the individual's affiliation with a recognized organization as described in Section A.1 above.
2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer, service animal trainer, or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are strongly encouraged to notify the building administrator in advance.
3. The school shall not provide staff support to care for or control a service animal but may provide support to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve him/herself).
4. Service animals must be properly licensed and vaccinated in accordance with state law.

C. Removal or Exclusion of Service Animals from School

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:
 - a. The service animal is out of control and the animal's handler does not take effective action to control it; or
 - b. The animal is not housebroken.
 - c. The animal's presence would require a fundamental alteration to the school's service, program, or activity.
 - d. The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform (which is required to be defined as a service animal); and/or
 - e. The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth, or eyes, or otherwise presents a threat to the public health (applying the standard that would be applied to any other animal allowed on school premises).

2. If a service animal is removed or excluded, the individual with a disability shall still be provided the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Adopted Date: September 13, 2021

Legal References: CFR Title 28 §35.136 (Service animals)

**SERVICE ANIMALS AT SCHOOL
INFORMATIONAL SHEET (NOT REQUIRED)**

Date: _____

Child's Name: _____

Parent/Guardian: _____

Handler's Name: _____

Building: _____

The following information is requested on a voluntary basis (not required): If not readily apparent, identify and describe the task or work the service animal has been trained to perform as it relates to the staff or the student's disability.

Type of Service Animal:

Dog Other: _____

Documentation of current vaccinations required under state or local laws is attached.

If not readily apparent the Service Animal is:

Required because of a disability.

Trained to perform certain work or tasks for the person with disabilities.

I have read and understand the school district's Service Animal Policy. I understand that if the service animal is: out of control and/or the animal's handler does not take effective action to control it; or the animal is not housebroken, the School District has the discretion to exclude or remove my service animal from its property. If the service animal is excluded from the premises, the School District will continue to allow the disabled person the opportunity to participate in the service, program, or activity without the service animal.

I understand that I am responsible for any and all damage to school district property, personal property, and injury to individuals caused by my service animal to the same extent that other non-disabled persons would be held liable for any such damages.

Owner (Printed)

Administrator (Printed)

Signature

Signature

Date: _____

Date: _____

Note: This Informational Sheet should be updated each school year or whenever a different service animal will be used.

FILE: I-35 ALCOHOL AND OTHER DRUG USE BY STUDENTS

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

POLICY

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

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

DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES

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

First Offense:

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

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

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

Second Offense:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.

2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

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

Subsequent Offenses:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities.
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.
 4. An expulsion hearing shall be scheduled before the school board pursuant to due process rules for expulsion. The administration will recommend to the school board that the student be expelled.
- B. Distributing (supplying free or selling) Alcohol and Other Drugs or Material Represented to be a Controlled Substance (all occurrences):
1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities.
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.
 4. A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for up to ninety (90) school days.
 5. A second offense for distributing alcohol or drugs shall result in an expulsion hearing being scheduled before the school board and the administration will recommend the student be expelled for one year.
 6. State and federal regulations regarding special education students will be followed.

USE OF ALCOHOL SENSORS

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

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

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

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

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

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

Adopted Date: September 13, 2021

Legal References: SDCL 13-32-4 (School board to assist in discipline)
 SDCL 13-32-4.2 (Procedure for suspension)
 SDCL 13-32-4.3 (Effect of suspension or expulsion on enrollment)
 SDCL 22-42-19 (Drug free zones created)
 SDCL 26-11-5.1 (Notice by law enforcement of suspected student
 alcohol/drug violation or violence threat)
 Public Law 101-226 (Drug-Free school and communities act of
 1989)

FILE: I-36 EPINEPHRINE AUTO-INJECTORS

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

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

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

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

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

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

Adopted Date: September 13, 2021

Legal References: SDCL 13-33A (School health services)
SDCL 13-33A-6 (Administration of epinephrine auto-injector)
ARSD 20:48:04:01.09 (Training required for delegated prescription medication administration)

FILE: I-37 DIABETES HEALTH CARE AND INSULIN ADMINISTRATION

The purpose of this policy is to establish procedures in the District for the administration of health care services for each student with diabetes as prescribed by that student’s personal physician. The goal of this care is to maintain blood glucose levels within a student’s target range and to enable a student with diabetes to safely and fully participate in the educational program.

ASBSD sample policy JHCD: Administration of Medications to Students shall also apply to the administration of health care services for students with diabetes to the extent Policy JHCD is consistent with and not contradictory to this policy.

CARE TO BE PROVIDED

- A. Diabetes care may be provided by a school nurse, if available, or by an Unlicensed Assistive Personnel (UAP) who volunteers to provide diabetes care and who has been trained pursuant to ARSD 20:48:04.01.

- B. The delegation of insulin administration to an Unlicensed Assistive Personnel (UAP) is authorized by the South Dakota Board of Nursing rules, ARSD 20:48:04.01. A registered nurse (RN), holding an active South Dakota or multi-state compact RN license and currently practicing and employed as a certified diabetes educator (CDE) or RN currently employed as a school nurse, must be identified to be the delegating nurse to train, test competency, and oversee the process. In many cases, the delegating nurse will communicate with the student and UAP during the school day via video conferencing. The delegating nurse will be referred to as the “virtual nurse” in this policy.
 - 1. If a student with diabetes needs assistance with care for that condition at school or school-related events and the services of a UAP is needed, the school shall seek school employees to volunteer to provide that care. The employee must be willing to accept the delegated task of insulin administration. No employee shall be required to be a UAP as a condition of employment. The employee must meet the South Dakota Board of Nursing’s Medication Administration training requirements as set forth in ARSD 20:48:04.01, which training shall be provided at school expense.
 - 2. Employees who provide diabetes care as a UAP shall be provided liability insurance through the school’s insurance coverage for incidental medical malpractice liability, and the school shall defend and indemnify the employee for any and all costs for

which the employee may be liable, provided the UAP's actions were consistent with the training received.

- C. If the school provides diabetes care through a UAP, the school shall decide, after consulting with the parents/guardians, what health care provider or school nurse will provide the virtual nurse support should the school utilize a UAP to provide the necessary care. The school shall then work with that agency to provide video conference calls to the virtual nurse. A secure internet connection shall be used to dial into the virtual nurse and which shall provide sufficient clarity so the virtual nurse can see the glucose meter and insulin pump screen, insulin pen doses, and insulin syringe lines. A dedicated tablet, laptop, or desktop with video capacity to support calls used to provide services pursuant to this policy shall be securely stored when not in use by the student and UAP.
- D. If diabetes care is to be provided by a UAP, the virtual nurse must be available during school hours and must initiate a weekly interaction with UAP and student(s). The virtual nurse will maintain appropriate documentation related to interactions and weekly logs.
- E. To the extent that the student is not able to perform this care independently, diabetes care provided by the school UAP shall be under the supervision of a school nurse or virtual nurse and may include:
 - 1. Checking blood glucose level at the times and under the circumstances specified;
 - 2. Responding to blood glucose monitoring results;
 - 3. Administering insulin through the insulin delivery system the student uses;
 - 4. Administering oral diabetes medication;
 - 5. Administering glucagon and taking the additional actions set out in the DMMP;
 - 6. Checking for ketones;
 - 7. Recording blood glucose monitoring results and medication dosages and frequency in the weekly log; and
 - 8. Following instructions regarding meals, snacks, and physical activity.
- F. If a student becomes unconscious or unresponsive due to severe hypoglycemia, school employees shall take actions as specified in the student's DMMP and contact 911. No student experiencing hypoglycemia shall be left unattended or shall be sent alone to another location to receive care.
- G. All school employees who have primary responsibility for a student with diabetes at any time during the school day or during school-sponsored activities may receive training. The training will include basic information about diabetes and its management, how to recognize symptoms of hypoglycemia and hyperglycemia, and which school employees should be contacted for assistance in providing diabetes care.
- H. Notwithstanding the other provisions in this section, a parent or guardian may elect to perform diabetes care for his or her child at school or during school-sponsored

activities. The election should be made in writing and shall specify the circumstances under which the parent or guardian will provide care and the circumstances, if any, under which school personnel will provide care.

DIABETES MEDICAL MANAGEMENT PLAN (DMMP)

- A. The parent of a student with diabetes who requests services from the school must provide written physician's orders (Diabetes Medical Management Plan, or "DMMP"), signed by the student's physician. The DMMP identifies the health care needs of, and services to be provided to, a student with diabetes. If the DMMP changes, the parents/guardians shall provide a copy of the changed DMMP, signed by the student's physician, to the principal or principal's designee, and to the UAP. The parents/guardians shall authorize the principal or the principal's designee authorization to speak directly with the student's physician related to the DMMP. The DMMP must contain:
1. A list of the equipment and supplies, if any, that the student is permitted to carry during the school day;
 2. A statement that the student has been trained on the proper and safe use of medication and supplies needed at school, such as syringes and needles, if the child is to carry such supplies at school;
 3. A statement as to which, if any, diabetes care tasks the student is capable of performing without assistance, which of these tasks require assistance from school personnel, and which of these tasks the student is unable to perform;
 4. If the student requires assistance from the UAP with blood glucose or ketone monitoring;
 5. If the student requires assistance from the UAP with insulin, glucagon or other medication administration at school, the medication to be taken, the timing of medication administration, and instructions for calculating the proper dose;
 6. Instructions regarding activity monitoring and exercise plan;
 7. A chart with hypoglycemic recognition and treatment;
 8. A chart with hyperglycemic recognition and treatment; and
 9. Instructions for emergency Glucagon administration.
- B. Once the school receives a copy of the DMMP, the school shall develop and implement a Student Health Plan (SHP) for the student with diabetes that incorporates the provisions of the DMMP. The plan shall specify which school personnel or unlicensed assistive personnel (UAP) will provide diabetes care to the student, if needed. The school may use an individualized Student Health Plan, or include the DMMP in a student's Rehabilitation Act Section 504 Plan (504 Plan), or include the DMMP in a student's Individualized Education Program (IEP).
- C. All supplies and equipment needed by the school to provide diabetes care, including insulin, glucagon, blood glucose meters, and test strips, shall be provided by the student's parent or guardian.

D. The school may consult with a physician of its own choosing related to any DMMP.

SELF-MONITORING AND TREATMENT

Where a student’s DMMP indicates that the student is able to perform specific diabetes care tasks independently, the student shall be permitted to perform these tasks independently while in school and while participating in school-sponsored activities. If specified in the student’s DMMP, the student shall be permitted to possess on his or her person all supplies and equipment needed to perform diabetes care.

Adopted Date: September 13, 2021

Legal References: ARSD 20:48:04.01 (Delegation of Nursing Tasks)
SDCL 13-33A-1 (School Health Services – Coordination by registered nurse)

FILE: I-38 DELINQUENT STUDENT FEES, FINES AND CHARGES

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

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

Adopted Date: September 13, 2021

Legal References: SDCL 15-39 (Small Claims Procedure)
SD Unified Judicial System (Small Claims Court)

FILE: I-39 STUDENT SURVEYS

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

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

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

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

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

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

Adopted Date: September 13, 2021

- Legal References:
- SDCL 13-3-51.1 (Definitions regarding privacy or records)
 - SDCL 13-3-51.2 (Information not subject to survey, analysis, or evaluation without consent)
 - SDCL 13-3-51.3 (Prohibition against reporting personally identifiable information)
 - SDCL 13-3-51.4 (Department to develop security measures to protect personally identifiable information)

SDCL 13-3-51.5 (Disclosure of aggregate data otherwise allowed)
SDCL 13-3-51.6 (Disclosure of aggregate data necessary for impact
aid)
USC Title 20 §1232h (Protection of Pupil Rights Amendment)