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Timber Lake School District #20-3 Policy Manual

This school policy book takes precedence over student and Staff handbooks, if there is a discrepancy.

Review and adopted July 14, 2021

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NEPN Code: AA

Philosophy

The primary function of the Timber Lake Public School System is to promote the well-rounded and continuous growth of its youth into effective citizens in the democratic society. To attain this goal the school shall endeavor to provide a suitable environment for helpful, guidance, training, and experiences which will assist each student to become better adjusted in his/her family, social, and business relationships, concerned for his/her own welfare and the welfare of others, open minded on controversial issues, trained in work habits, skills, and logical reasoning, and prepared for profitable and gratifying use of leisure time. Furthermore the school shall endeavor to provide for the physical and moral well-being of each student. Finally, the school shall cooperate with the home, church, and other community forces to build the education experiences of the youth.

NEPN Code: AB

Mission Statement

Timber Lake School provides a safe environment that empowers Students to become critical thinkers and responsible lifelong learners in a changing society. Revised 5-2011

NEPN Code: AC

OBJECTIVES

WE BELIEVE:

1. That the school should discover each student's needs and abilities, deal with them as an individual, and aid them to develop into a useful member of an integrated social unit.
2. That an ever-changing curriculum is necessary to fit the student for living in today's world and that of tomorrow.
3. That this curriculum should provide for each student:
 - a. Organized fields of information and opportunity to develop basic skills necessary to fulfill their needs.
 - b. A constructive program of physical development and health education.

- c. A guidance program which permits them to consider all possible procedures, select and carry to completion that course of action which will encourage unified and consistent growth.
 - d. Curricular and co-curricular programs which emphasize:
 - (1) The ideals of American democracy, including the development of responsibility, respect for the rights of others, and moral obligations of themselves, their family, their school, their country and the world.
 - (2) Concepts of citizenship, patriotism and understanding of governmental functions.
 - (3) The development of acceptable social attitudes and desirable behavior patterns.
 - (4) The development of abilities and personality.
 - (5) Conservation of all resources, human and natural.
4. That insofar as possible, instruction should be carried on through the process of inquiry and problem solving rather than ready acceptance of or uncreated rejection of new ideas. Hopefully, this would lead to the development of critical thinking individuals capable of logical reasoning that leads to satisfactory conclusive ends.
 5. That the student should be made cognizant of the cultural resources of the community and be encouraged to avail themselves of these opportunities to the end that the level of community life will be raised.
 6. That parents and citizens should be encouraged to visit classes, offer opinions and suggestions, and become friends of the school and staff.

NEPN Code: AD

Calendar SDCL 13-26-1

- a. The fiscal and statistical year shall begin on the first day of July in each year and end June 30th of the following year.
- b. The superintendent of schools shall present annually in March a calendar for the coming school year for the approval of the school board. Such a calendar shall make provisions for the opening and closing of school, and authorized vacation periods - Thanksgiving, Christmas and Easter.
- c. Days will be made up on vacation days scheduled on the school calendar or at the end of the school year. The decision will be made by the school board acting upon the recommendation of the Superintendent. School will not be held during the boys or girls state basketball tournaments when the Timber Lake Basketball team is in the state tournament. The same policy will apply when the Timber Lake School Football team is in the State Football Championship. Days will be made up on vacation days scheduled on the school calendar or at the end of the school year. The decision will be made by the school board acting upon the recommendation of the Superintendent. Exception may be made by the Superintendent, to have school, after consulting with the board chairman if: The tournament is held at a site close enough to Timber Lake so that a student fan bus would not have to leave for the Timber Lake game until 11:00 A.M. Policy for students when pep bus is stormed in: School pays for rooms & meals, but students must repay the school for rooms and meals that the school paid for.

NEPN Code: AE

Length of School Term

The school year shall consist of the number of days as provided by law. SDCL 13-26-2

NEPN Code: AF

Tobacco Free Policy

The District recognizes it duty to promote the health and safety of students, staff and citizens on district property and during school-sponsored activities. In accordance with this responsibility, it is the intent of the School Board to establish a tobacco-free school environment that demonstrates a commitment to helping students resist commercial tobacco use and emphasizes the importance of adult role modeling.

The use, possession, or promotion of commercial tobacco on school property by students, employees, vendors, visitors and invitees is prohibited. Students and employees are also prohibited from using or promoting commercial tobacco at school-sponsored activities off school property. Students participating in school-activities are also subject to rules as may exist pursuant to an applicable activity code of conduct. It is prohibited for the district to advertise and accept gifts from the tobacco industry. Notwithstanding any other provision of this policy to the contrary, the fundamental use of traditional tobacco shall not be subject to the restrictions of this policy.

For the purpose of the policy:

1. “Commercial Tobacco” means any substance or item, in any form, containing tobacco and electronic nicotine delivery devices (e-cigarettes/vapes), which may contain nicotine;
 2. “Traditional Tobacco” as defined by the CRST Cultural Preservation Office and the Great Plains Tribal Chairman’s Health Board means plants for healing the mind, body, and spirit. There are four plants that are used in Lakota ceremonies: tobacco, sage, sweet grass and cedar. Traditional Tobacco is called “cansasa,” another name is ‘kinikinik’. Cansasa translates to red willow. Tobacco is used: 1) in our sacred pipe in ceremonies and is not inhaled; 2) in its natural form to make tobacco ties for prayer or thanksgiving in times of need; 3) only for special purposes in prayer, offering or rituals; 4) as an offering to an elderly when we need his or her help, advice or prayer; 5) as an offering when we see the sacred eagle in the sky, as the eagle is the intercessor to Tunkasila, Great Spirit; 6) as an offering to the drum at pow-wows to give special blessing to the heartbeat of the nation and onto the singers at the drum; 7) as an offering when a person asks someone to do a ceremony such as naming – hunka-pipe ceremony, singing-sweat lodge or any of the Lakota ceremonies; 8) as an offering to a person as a way to ask for forgiveness to heal bad feeling when emotions are hurt; 9) as an offering or to an elderly to seek knowledge and to show appreciation to that person for sharing. Traditional tobacco is never abused because it is in its natural form without additives.
 3. “School property” means all district owned, rented or leased buildings, grounds and vehicles;
 4. “School-sponsored activity” means any planned, organized, endorsed, or supervised activity involving students or the staff that occurs during, before, or after regular school hours;
 5. “Promotion: means the use or display of tobacco-related clothing, bags, lighters, or other material that is designed to encourage the acceptance or use of tobacco.
- ★ Students found to be in violation of this policy will be subject to the following disciplinary action as stated in the student handbook under “Violations”.

Legal References:

SDCL 13-8-39 (Management of schools by board)

SDCL 22-36-2 (Smoking in public place or place of employment prohibited)

Revised: 7-8-19

Adopted: 10-12-16

NEPN Code: AG

Policy Prohibiting Sexual Harassment

I. Policy Statement

The District does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may

be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. *(34 CFR § 106(b)(1))*

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

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

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

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

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

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

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

II. Designation of Title IX Coordinator

The Board has designated a 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))*

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

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

III. Dissemination of Policy

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

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

IV. Adoption of Grievance Procedures

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

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

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

2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1.
 - i. the length of the relationship.
 - ii. the type of relationship.
 - iii. the frequency of interaction between the persons involved in the relationship. *(34 U.S.C. 12291(a)(10))*
 - d. “Decision-maker” means the school administrator who has primary responsibility and authority related to students, staff and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the Board, and who has the authority to make a determination on the complaint as to responsibility of the respondent. *(ASBSD sample definition)*
 - e. “Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. *(34 U.S.C. 12291(a)(8))*
 - f. “Education program or activity” includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs. *(34 CFR § 106.44(a))*
 - g. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District.
 - h. “Document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.
 - i. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
 - j. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
 - k. “Sexual assault” means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. *(20 U.S.C. 1092(f)(6)(A)(v))*

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

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

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

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

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

construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process, however, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

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

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

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

- A. For the purpose of addressing formal complaints of sexual harassment, the District's grievance procedure as set forth in AG-R(1), Sexual Harassment – Regulations, shall be followed. There must be compliance with the requirements of this section, and any provisions, rules, or practices other than those required by this section that the District adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties.
- B. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known *(34 CFR § 106.45(b)(2))*
 - 1. Notice of the District's grievance process, including any informal resolution process.
 - 2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is

presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- C. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the District's education program or activity. *(34 CFR § 106.45(b)(1)(i))*
- D. The District shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. *(34 CFR § 106.44(a))*
- E. Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, the District:
 - 1. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination, and the parties shall not have either burden; *(34 CFR § 106.45(b)(5)(i))*
 - 2. cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student," (i.e., student who has reached 18 years of age), the District must obtain the voluntary, written consent of a "parent," (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian; *(34 CFR § 106.45(b)(5)(i))*
 - 3. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; *(34 CFR § 106.45(b)(5)(ii))*
 - 4. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. *(34 CFR § 106.45(b)(5)(iii))*
 - 5. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. *(34 CFR § 106.45(b)(5)(iv))*

- F. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. *(34 CFR § 106.45(b)(1)(iii))*
- G. No individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *(34 CFR § 106.45(b)(1)(iii))*
- H. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. *(34 CFR § 106.45(b)(1)(iii))*
1. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
 2. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
 3. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.
- I. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct. *(34 CFR § 106.45(b)(1)(iv); 34 CFR § 106.45(b)(2)(i)(B))*
- J. The District's grievance procedure as set forth in AG-R(1), Sexual Harassment – Regulations, shall:
- K. including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if District offers informal resolution processes; *(34 CFR § 106.45(b)(1)(vi))*
- L. include a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities; *(34 CFR § 106.45(b)(1)(v))*
- M. include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility; *(34 CFR § 106.45(b)(1)(vi))*
- N. state that for all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. *(34 CFR § 106.45(b)(1)(vii))*
- O. include the procedures and permissible bases for the complainant and respondent to appeal; *(34 CFR § 106.45(b)(1)(viii))*

- P. describe the range of supportive measures available to complainants and respondents; *(34 CFR § 1045(b)(1)(ix))* and
- Q. not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. *(34 CFR § 106.45(b)(1)(x))*
- K. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision B in this section, the District shall provide notice of the additional allegations to the parties whose identities are known. *(34 CFR § 106.45(b)(2)(ii))*
- L. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. *(34 CFR § 106.45(b)(5)(v))*
- M. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. *(34 CFR § 106.45(b)(5)(vi))*
- N. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *(34 CFR § 106.45(b)(5)(vi))*
- O. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. *(34 CFR § 106.45(b)(5)(vii))*
- P. No adversarial hearing shall be held unless the determination of the Superintendent is appealed to the Board, or unless the Superintendent recommends the long term suspension or expulsion of a student, or the suspension without pay or termination of employment of an employee. *(34 CFR § 106.45(b)(6)(ii))*
- Q. The Superintendent may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The Superintendent may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board as set forth in AG-R(1), Sexual Harassment – Regulations. *(34 CFR § 106.45(b)(8)(ii))*

IX. Appeal

- A. Both parties have the right to appeal to the Board the Superintendent's determination regarding responsibility, and also from a dismissal of a formal complaint or any allegations therein, on the following bases:

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

X. Consolidation of Formal Complaints

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

XI. Dismissal of a Formal Complaint.

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

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

- A. The District shall maintain for a period of seven years records of:

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

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

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

XIV. Confidentiality

- A. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX (34 CFR part 106), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *(34 CFR §*

- 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))

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Policy Prohibiting Sexual Harassment

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 AG. 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, complaint against school employees, and complaints related to bullying are addressed through other school 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 on the basis of 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 be 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 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.

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, AG-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),
- 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 - Complaint Report Form was completed by a teacher, guidance counselor or administrator, the teacher, guidance counselor or administrator shall forward the complaint or Sexual Harassment - Complaint Report Form to the Title IX Coordinator.

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).

SECTION 4 - Retaliation Prohibited

- 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. The prohibition against retaliation related to a sexual harassment complaint is set forth in full in Policy AG, 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 AG,) 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 timeframes 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 AG, 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 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.
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 AG-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, 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 AG-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 must remain with the hearing officer until the appeal process has been completed;
- E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
- F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;
- G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;
- H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact,

Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;

- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the 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.

Revised: 3/10/2021

Revised: 2/9/1998

NEPN Code: AG-E1

Policy Prohibiting Sexual Harassment

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

Revised: 3/10/2021

Revised: 2/9/1998

NEPN Code: AG-E2

SEXUAL HARASSMENT COMPLAINT APPEAL TO THE SUPERINTENDENT I/We Appeal the Principal's Step 1 decision for the following reason(s): With specificity, Complainant should state how or why the Complainant believes the Principal's decision should be reviewed and reconsidered.

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

Complainant

Superintendent

Revised: 2/9/1998

NEPN Code: AG-E3

ATTACH A COPY OF THE SEXUAL HARASSMENT REPORT, PRINCIPAL'S DECISION, APPEAL TO THE SUPERINTENDENT (Exhibit ACAA-E(2)), EMPLOYEE'S STEP 2 WRITTEN RESPONSE, AND SUPERINTENDENT'S DECISION.

Complainant

Business Manager

Revised: 2/9/1998

SECTION 1 – Policy Statement

The District is committed to maintaining a constructive, safe, and bullying-free school climate that is conducive to all students' educational opportunities and which fosters an environment in which all students are treated with respect and dignity. Bullying can inhibit a student's educational opportunities and may also have long-term negative effects on a student. Bullying of students shall not be tolerated and is strictly prohibited. Bullying of students from other schools who are at a District activity, parents, school employees, guests, visitors, volunteers and vendors of the District shall also not be tolerated and is strictly prohibited.

This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. However, conduct which substantially interferes with the work of the school, causes material and substantial interference with school work and discipline, and might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities is not constitutionally protected speech and is therefore prohibited under this policy.

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

The District shall investigate all reported instances involving bullying. Unless a different person is designated by the Superintendent to conduct the investigation, the Principal of the school attendance center where the bullying is alleged to have occurred is responsible for investigating the alleged bullying. Allegations of bullying may also be reported by the administration to other authorities, including but not limited to law enforcement.

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

Pursuant to state law:

- A. any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy, is immune from any cause of action for damages arising from failure to remedy the reported incident, and
- B. no cause of action is created against the school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy which results in injury to a person.

The District will maintain confidentiality to the maximum extent possible under the circumstances. However, a person reporting bullying conduct must understand that should the administrator who is investigating the report determine there is reasonable cause to suspect that bullying did occur which could result in administrative discipline or a referral to the School Board, the person alleged to have abused the other person may have the right to know the identity of the person(s) making the report in order that he/ she may have an opportunity to defend himself/herself.

The District strictly prohibits retaliation against any person because he or she has made a report, testified, assisted, or participated in the investigation of a report of alleged bullying. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have bullied another person shall not directly or indirectly (such as through another person) harass, pressure, or retaliate against any other person because of the complaint being reported. A violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes he or she is being subjected to retaliation because of his or her involvement with a bullying report should immediately contact a school administrator.

Complaints against school employees and complaints related to Sexual Harassment are addressed through other school district policies and not through this policy.

SECTION 2 – Bullying Defined

- A. Bullying is an intentional pattern of repeated conduct toward another person that is sufficiently severe and offensive to a reasonable person, and
 - 1. has the purpose or effect of creating an intimidating, hostile or offensive school environment for one or more students, parents, employees, guests, visitors, volunteers or vendors, and/or
 - 2. has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities (i.e., academic, co-curricular activities, extra-curricular activities, and social opportunities, etc. within the school environment), employee's and volunteer's work environment or performance, or access by parents, guests, visitors or vendors, and/or
 - 3. places a person in reasonable fear of harm to his or her person or damage to his or her property, and/or
 - 4. causes physical hurt or psychological distress to a person, and/or
 - 5. constitutes retaliation against any person for asserting or alleging an act of bullying, and/or
 - 6. disrupts the orderly operation of a school.
- B. Bullying conduct includes threats, intimidation, physical violence, theft, destruction of property, hazing, stalking (SDCL 22-19A-1), harassment (SDCL 22-19A-4), and threatening or harassing contact by telephone or other communication devices, commonly referred to as cyberbullying (SDCL 49-31-31). Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by the School District for conduct determined to meet the definition of bullying in SDCL 13-32-15.
 - 1. Hazing defined: any verbal or physical act or acts done on school property or at a school activity which directed toward another person and done for the purpose of initiation into any group, regardless of whether the group is a school sanctioned organization, when the act or acts causes or may create a reasonable risk of causing mental, emotional or physical harm to the person who is the recipient of the act or acts.
 - 2. Stalking defined: willfully, maliciously, and repeatedly following or harassing another person; making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
 - 3. Harass defined: a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.
 - 4. Threatening or harassing contacts by telephone or other electronic communication device defined: using or knowingly permitting a telephone or other electronic communication device under his or her control for any of the following purposes:
 - (1) to contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act,
 - (2) to contact another person with intent to threaten to inflict physical harm or injury to any person or property,
 - (3) to contact another person with intent to extort money or other things of value,
 - (4) to contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.
 - (5) Bullying differs from conflict. Two or more students can have a disagreement or conflict.

SECTION 3 – Reporting Procedure

Any individual who believes that he or she has been or is being subjected to bullying or has reason to suspect another person has been or is being subjected to bullying should immediately report it to a staff member. The report may be made verbally or in writing. A report may be made anonymously, although disciplinary action may not be based solely on an anonymous report. If disciplinary action is being

requested, the individual reporting the bullying will be asked to either submit a signed written complaint or sign a completed Bullying Report Form, Exhibit AH-E(1), verifying the accuracy of its content. The written complaint or Bullying Report Form must include the following:

- the date the written complaint was filed or the Bullying Report Form was completed,
- the school employee receiving the complaint (if applicable),
- the name of the person reporting the bullying,
- the address/phone # of the person reporting the bullying,
- the specific conduct or nature of the bullying complaint including the person(s) alleged to have bullied the complaining party or another person, the date(s) and location where the conduct occurred, witnesses, etc.,
- the date the school employee completed the form (if applicable),
- the date and signature of the person reporting the bullying.

If the signed written complaint was given to a teacher, or if the Bullying Report Form was completed by a teacher, the teacher shall forward the complaint or Bullying Report Form to the staff member building principal.

SECTION 4 – Procedure for Addressing Bullying Complaints

STEP 1: Principal.

Should there be a report which alleges a District student, parent, employee, guest, visitor, volunteer or vendor has been subjected to bullying, an investigation into the alleged bullying will be initiated. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the target, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint. The person alleged to have bullied another person will be notified that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless and until the investigation results in a determination that there is reasonable cause to suspect that bullying did occur.

Upon reasonable suspicion by the school administrator responsible for the investigation that the allegation of bullying may be true, the employee, student or other person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, including a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged target.

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond to the allegation of bullying but is not required to submit a response.

Pending the outcome of the investigation the school administrator responsible for conducting the investigation may take such action consistent with school policy and state law as deemed appropriate in order to facilitate the investigation and protect the rights of all persons involved. If there is reasonable suspicion to believe that a person bullied another person while at school or at a school activity on non-school property in violation of this policy, the administration may prohibit that person from being on school property or at school activities.

Upon reasonable suspicion by the school administrator responsible for the investigation that the allegation of bullying may be true, the employee, student or other person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged target and complaining individual(s).

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond in writing to the notification of alleged bullying but is not required to submit a written response.

At the conclusion of the investigation, the Principal shall make a determination as to whether bullying did occur or whether the facts are insufficient to determine that a determination that bullying occurred. The complainant and the person alleged to have bullied another person will receive written notice of

the Principal's determination. Should the Principal conclude that bullying did occur, the Principal shall take such action as deemed appropriate, which may include imposing disciplinary consequences on the person found to have violated this policy prohibiting bullying.

STEP 2: Appeal to the Superintendent

The following procedure shall be used to address an appeal of the Principal's decision in Step 1 to the Superintendent :

1. If either party is not satisfied with the Principal's decision, or if the Principal does not render a written decision within fourteen (14) calendar days of the request for a decision on the merits of the complaint, that party may appeal to the Superintendent by filing form AH-E(2). The appeal must be filed within ten (10) calendar days of receipt of the Principal's written decision, or ten (10) days of the deadline for the Principal's written decision, whichever comes first. The appealing party must attach the Principal's written decision.
2. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the principal's decision, or the Superintendent may refer the matter back to the Principal for further investigation and supplemental decision which decision may restate, modify or reverse the Principal's initial decision. A supplemental decision by the Principal after a referral back to the Principal is subject to appeal to the Superintendent. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to all parties, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

STEP 3: Appeal to the Board

If either party is not satisfied with the Superintendent's decision, or if the Superintendent does not render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the School Board by filing with the Business Manager using Form AH-E(3) within ten (10) calendar days of receipt of the Superintendent's written decision, or ten (10) days of the deadline for the Superintendent's written decision, whichever comes first. The appeal shall be in writing and the appealing party must attach to the appeal the Principal's written decision, the appeal to the Superintendent, and the Superintendent's written decision or notice of the Superintendent's failure to render a written decision.

The following procedure shall be used by the Board to address an appeal of the Superintendent's decision on the merits related to a bullying complaint:

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the bullying policy.
2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the Board:
 - A. The Board shall appoint a board member or a person who is not an employee of the school district as the hearing officer;
 - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
 - C. The Complainant, person alleged to have violated the bullying policy, and Superintendent each have the right to be represented at the hearing;
 - D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
 - E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
 - F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;
 - G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;

- H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date; Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;
- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the Principal and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
- N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting bullying, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a person from being on school property or at school activities for such time as may be determined by the Board.
- O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

Revised: 7/14/2021

NEPN Code: AH-E1
BULLYING
COMPLAINT REPORT FORM

Date Form Completed: _____

Form Completed by: _____

Person Reporting the Bullying: _____

[illegible]

Person Reporting the Bullying[illegible]

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

Date

Complainant

Date Received

Superintendent

NEPN Code: AH-E(3)
BULLYING
COMPLAINT APPEAL TO THE SCHOOL BOARD

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

ATTACH A COPY OF THE BULLYING COMPLAINT REPORT (Exhibit JFCD-E(1), PRINCIPAL'S DECISION, COMPLAINT APPEAL TO THE SUPERINTENDENT (Exhibit JFCD-E(2)), EMPLOYEE'S STEP 2 WRITTEN RESPONSE, AND SUPERINTENDENT'S DECISION.

Date

Complainant

NEPN Code: AI**Parent / Student / Public Complaints Policy**

Constructive criticism of the schools will be welcomed by the board when it is motivated by a sincere desire to improve the quality of the education program or to equip the schools to do their tasks more effectively.

Whenever a complaint is made directly to the board as a whole or to an individual board member, the individual and group involved will be advised to take their concern to the appropriate staff member.

Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the school administration for study of possible solutions. The individual employee involved will be advised of the nature of the complaint and will be given opportunity for explanation, comment, and presentation of the facts as he/she sees them.

If a complaint which was presented to the board and referred back through proper channels, is adjusted before it comes back to the board, a report of the disposition of the matter will be made to the board and then placed in the official files.

COMPLAINT PROCEDURE

1. The party making the complaint shall do so in writing on the COMPLAINT FORM and file it with the Superintendent or Board President within 10 calendar days of the person making the complaint knew or should have known of the circumstances giving rise to the complaint.
2. Within 5 school days of filing the complaint, a meeting shall be held between the individual filing the complaint and the school employee whose conduct or decision resulted in the complaint being filed.
3. If the matter is resolved at the meeting referred to in #2, the resolution shall be documented and filed with the Superintendent or Board President. If the matter is not resolved it may be appealed to the Principal, then the Superintendent and the Board of Education.
 - a. An appeal is to be in writing, signed and dated by the party filing the appeal, and indicating why in the opinion of the appealing party the decision was not appropriate.
 - b. Should the complaint be with respect to conduct or decision of a principal, the appeal is initiated at the Superintendent level. If the complaint relates to conduct or a decision of the Superintendent, the appeal is initiated at the Board level.
 - c. During the appeal at the Principal or Superintendent level, the Principal or Superintendent shall within 5 days of the appeal being filed meet with the party filing the appeal and with any other individual deemed necessary. Within 10 days of the appeal being filed, the Principal or Superintendent shall issue a written decision. The party filing the appeal shall receive a copy of the decision; copies shall also be given to the decision maker's immediate supervisor and the school employee from whose decision was appealed and filed.
 - d. Any decision by the Superintendent relative to a complaint, or should the Superintendent's conduct or decision be the basis of the complaint, may be appealed to the Board of Education in writing, consistent with #1, #2 and #3a above. The Board shall conduct an evidential hearing relative to the complaint, with the appealing party, the Superintendent, and other persons as may be deemed necessary in the

discretion of the Board being present. Any individual whose attendance is necessary may be accompanied by a representative. The Board hearing shall be in executive session. The Board shall issue its decision in writing, within 45 days of the hearing. The appealing party, the Superintendent, and school employee whose conduct or decision was the basis of the complaint shall be provided copies of the Board's decision and a copy of the decision will be filed.

- e. Any Board decision may be appealed to Circuit Court pursuant to SDCL 13-46-1.
- f. Any person having a complaint shall be advised of this policy and procedure. Neither the principal, superintendent, board or individual board members shall make any decisions nor judgments regarding any complaint unless and until involvement of the principal, superintendent or board is required as set forth in this policy.

COMPLAINT FORM

A complaint shall be in writing presented to the school staff/authorities alleging one or more of the following:

- A. That a rule is unfair; and/or
- B. That a rule in practice discriminates against or between student; and/or
- C. That school personnel used an unfair procedure in assessing a form of punishment against a student.
- D. Other

COMPLAINT:

I, _____ hereby file a complaint to _____.
My complaint is based on A. _____ B. _____ C. _____ D. _____ above. (More than one blank may be checked) Specifically, my complaint is that on or about _____ (date), the rule, procedure, policy, law or regulation alleging to have been violated is: _____

The complaint is specifically that (include all relevant facts): _____

DATE

SIGNATURE

The complaining party may be represented at all conferences and at the Board hearing by an adult. Failure to appear at the appointed time and place waives the right to the conference provided by the school, unless extenuating circumstances exist.

SCHOOL' S RECORD

Check One Blank

Teacher Level 1 _____

Principal Level 2 _____

Superintendent Level 3 _____

Board of Education Level 4 _____

DATE RECEIVED _____ DATE OF CONFERENCE _____

PLACE OF CONFERENCE _____ TIME OF
CONFERENCE _____

COMMENTS: _____

RESOLUTION: _____

SIGNATURE OF SCHOOL REPRESENTATIVE

Timber Lake School District	NEPN Code: AJ
Policy Manual	

Timber Lake School District 20-3 Indian Policies and Procedures (IPP) Impact Aid Program

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

The Timber Lake School District will consult with local tribal officials and parents of Native American children in the planning and development of Indian Policies and Procedures (IPPs), general education programs, and activities. These policies and procedures will be reviewed annually, and revisions will be made within 90 days of the determination that requirements are not being adequately met. Information will be disseminated using the preferred methods of communication: school website (<https://timberlakeschool.org/>), official school newspaper and the school Facebook page. We will notify parents via a letter sent home with their students to advise when there is dissemination of information

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

POLICY (1): The Timber Lake School District will disseminate relevant applications, evaluations, program plans, and information related to educational programs and activities with sufficient advance notice to allow the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe and parents of Indian children the opportunity to review and make recommendations. [34CFR22.2.94(a)(1)]

PROCEDURES:

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

The completed applications, evaluations, and program planning will be made available to Tribal officials, Native American Education Committee, and parents. A summary which will be placed on the school website with hard copies available in the main office, will be prepared and available for dissemination two weeks before the community input meetings in October and April. We will notify parents regarding dissemination for the community input meetings through a letter sent home with their students to advise location of dissemination.

These community input meetings will be publicly advertised via school reach, the official school newspaper, letters home, and on our website to allow all interested patrons to attend. In addition, representatives from the District will schedule meetings with both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe to seek input.

The Native American Education Committee and any other interested persons can review assessment data located on either our school website or the South Dakota Department of Education website to help develop or modify educational programs and services allowing for the participation of Native American students on an equal basis in the district.

Minutes from the Native American Education Committee meetings will be posted on the District's website for all patrons and Tribal officials to review. This will allow for ongoing dissemination of information.

POLICY (2): The Timber Lake School District will provide an opportunity for the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe and parents of Indian children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and on how the District may help those children realize the benefits of the educational programs and activities.
[34CFR222.94(a)(2)]

PROCEDURES:

The Native American Education Committee of the Timber Lake School District will meet at least quarterly for the purpose of addressing comments and concerns regarding the District's Native American educational programs and activities. The meeting agendas are published in the official school newspaper and posted on the school website at least two weeks prior to the meeting. All meetings are open to the public allowing for tribal officials as well as parents of Native American children the opportunity to submit comments and recommendations for consideration.

Recommendations and concerns can be submitted to the Superintendent of the Timber Lake School District 20-3 via a written letter or via an IPP Comments and Recommendation Form which can be picked up from the main office or found on our school website. This is the time to offer comments and suggestions regarding programming for Native American Students. In addition, The Native American Education Committee will present updates to the school board during the school board meeting which directly follows a Native American Education Committee meeting.

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

Two community input meetings are scheduled (October and April) which are specifically devoted to addressing questions regarding federal programs. Based upon reasonable suggestions, the preferred methods of communication and dates and times of community input meetings will be modified to maximize participation from tribal officials, Native American Education Committee, and parents.

The District representatives will schedule meetings with the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe to discuss ongoing programming goals and school data

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

PROCEDURES:

The Timber Lake School District's Superintendent and school staff, in conjunction with the Native American Education Committee, will review annual survey data and comments gathered from families and students. The results of the data and its comments will be shared with all interested parties in the district. In addition, comments and/or suggestions brought forth from these conversations will become part of the Committee's approved minutes. This data will be utilized to develop appropriate supports for various programs.

During the community input meetings in October and April, information will be shared through an open forum regarding Native American children's participation in the LEA's education programs and extra-curricular activities including but not limited to athletics, fine arts, and student organizations. Participation data is gathered by administration two weeks prior to the community

input meetings. This information will also be made available to both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe. A summary will be prepared and available for dissemination two weeks before the community input meetings in October and April. Dissemination will take place on the school website, during public-school board meeting, and in hard copy form in the main office. We will notify parents regarding dissemination for the community input meetings through a letter sent home with their students to advise location of dissemination. In addition, minutes from the community input meetings will be posted on the school website and in the official school newspaper.

The Native American Education Committee of the Timber Lake School District will meet at least quarterly for the purpose of addressing comments and concerns regarding the District's Native American educational programs and activities. The meeting agendas are published in the official school newspaper and posted on the school website at least two weeks prior to the meeting. All meetings are open to the public allowing for tribal officials as well as parents of Native American children the opportunity to submit comments and recommendations for consideration. Recommendations and concerns can be submitted to the Superintendent of Timber Lake School District 20-3 via a written letter or via an IPP Comments and Recommendation Form which can be picked up from the main office or found on our school website. In addition, The Native American Education Committee will present updates to the school board during the school board meeting which directly follows a Native American Education Committee meeting. This is the time to offer comments and suggestions regarding programming for Native American Students.

POLICY (4): The Timber Lake School District will modify the IPPs if necessary, based upon the results of any assessment or input described in this document. [34CRF222.94(a)(4)]

PROCEDURES:

IPP recommendations and concerns can be submitted to the Superintendent of the Timber Lake School District 20-3 via a written letter or via an IPP Comments and Recommendation Form, which can be picked up from the main office or found on our school website. During the organization meeting of the Native American Education Committee, the Indian Policies and Procedures will be reviewed and revised if necessary. Once this has happened, the document will be forwarded to the Timber Lake School Board as well as both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe for review and consideration. If necessary, the Native American Education Committee may suggest revisions at other times of the year as appropriate. IPP revisions will be implemented within two weeks after school board approval. All patrons will be notified of changes through minutes that are posted on the school website and in the school's official newspaper. We will notify parents via a letter sent home with their students to advise location of dissemination.

POLICY (5): The Timber Lake School District will at least annually respond in writing to written comments and recommendations made by both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe or parents of Indian children, and disseminate the responses to all parties prior to the submission of the IPPs by the District. [34CRF222.94(a)(5)]

PROCEDURES:

The Native American Education Committee, the Superintendent, and building level staff will review parent and student input and surveys prior to the preparation of program applications. Information regarding this input will be available at the community input meetings. A summary of the results of the surveys along with how the District proposes to address areas of concern will

be communicated through school website, public-school board meetings, and in hard copy in the main office.

Recommendations and concerns can be submitted to the Superintendent of Timber Lake School District 20-3 via a written letter or via an IPP Comments and Recommendation Form which can be picked up from the main office or found on our school website. Any concerns that are brought forth through the Native American Education Committee or via the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe will be responded to within 4 weeks. A summary of recommendations/suggestions will be kept on file for review and examination. Dissemination of comments will be tracked and disseminated via Facebook, school website, public-school board meeting, and in hard copy in the main office within 4 weeks of comments. We will notify parents via a letter sent home with their students to advise location of dissemination.

POLICY (6): The Timber Lake School District will annually provide a copy of the IPP to both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe. [34CRF222.94(a){6}]

PROCEDURES:

The Timber Lake School District will provide a copy of the Indian Policy and Procedures to both the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe for review at least two weeks prior to the October community input meeting via U.S. Mail.

Adopted & Reviewed Annually in October

Approved: 12/9/20

Revised: 6/10/2020

Revised: 2/13/2020

Revised: 12/11/2019

Revised: 6/11/2018

Updated: 9/13/2017

NEPN Code: AK

Discrimination Policy

It is the policy of the Timber Lake School District #20-3 that no person be subjected to discrimination on the basis of race, national origin, religion, sex, age, physical and mental disabilities or marital status in any program, service, or activity for which the school district is responsible as required by Title IX, PL. 93-112, Sec. 504, affirmative action, and the Americans with Disabilities Act compliance activities, and other state and federal laws. Persons with questions may contact the Kansas City Office, Office for Civil Rights, US Department of Education, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114-3302, Telephone 816-268-0550 Fax 816-823-1404, TDD 877-521-2172, email OCR.KansasCity@ed.gov. Any person wishing to discuss his/her rights under the School District's non-discrimination policies, contact the Superintendent, Box 1000, Timber Lake, SD, 57656; Phone 605-865-3654.

The Self-Assessment/program review instrument. The guidance staff will periodically review program enrollment, course enrollments, and involvement in extra-curricular activities on the basis of race, gender, disability, or national origin.

Self-evaluation; The Timber Lake School Title IX Director will see that a self-evaluation for gender equity (Title IX), disability equity (section 504 vocational rehabilitation act) and employment equity, for Title IX and Section 504, and will keep the self-evaluation results and recommendations on file for at least three years. The Title IX and Section 504 director is Julie Marshall, PO Box 1000, Timber Lake, SD 57656, 605-865-3654, Fax 605-865-3294.

Policy on student pregnancy and parental status; the Timber Lake School does have a policy on student pregnancy and parental status. The policy is that each situation will be handled individually to best accommodate the student, teaching staff, and the school as a whole. (Revised 12/99)

NEPN Code: AL

Timber Lake School District 20-3 K-12 Wellness Policy

Rationale: A healthy school environment goes beyond school meals in the cafeteria. Living a healthy lifestyle and maintaining a healthy weight requires a combination of healthy food choices, knowledge of nutrition, and appropriate amounts of physical activity. All foods made available on school campuses should offer children nutritious choices. Nutrition education and physical education and physical activity should be incorporated into the school day as often as possible. The healthy, nutritionally astute, and physically active child is more likely to be academically successful.

The federal government recognizes that a coordinated effort by the entire community including child nutrition professionals, school board members, parents, students, school administrators, teachers and business community is warranted. These efforts involve adults serving as role models and community member's being informed of the policies that improve the long-term health and well-being of students. The local agency has a strategic role to play in improving the health and well-being of children.

All aspects of this wellness policy are subject to administrative discretion.

Physical Activity Component

The primary goal for the school's physical activity component is to provide opportunities for every student to develop the skills for specific physical activities, maintain physical fitness, and regularly participate in physical activity. It is the goal of the Timber Lake School District to provide physical activity in the following ways.

Daily Physical Education Classes K-12

- ☐ All students in grades K-8 will receive daily physical education (or its equivalent of 150 minutes per week for elementary school students). Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.
- ☐ the physical education curriculum should demonstrate progression and sequence and be consistent with South Dakota and/or National Physical Education standards for Pre-k through grade 12.
- ☐ All physical education will be taught by highly qualified physical education teachers.
- ☐ Class teacher-to-student ratios should be equivalent to those of other subject area classes in the school.
- ☐ Student participation in other activities involving physical activity (e.g. interscholastic or intramural sports) will not be substituted for meeting the physical education requirement.

Physical Activity across the Curriculum

- ☐ Opportunities for physical activity are regularly incorporated into other subject areas (e.g. math, language arts, science, and social studies).

Daily Recess

- ☐ Elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which students are encouraged (verbally and through the provision of space and equipment) to engage in moderate to vigorous physical activity.
- ☐ Recess will occur prior to lunch to ensure appropriate healthful food intake.
- ☐ extended periods of inactivity, two hours or more, are discouraged. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, students will be given periodic breaks during which they are encouraged to stand and be moderately active.

Nutrition Standards Component

Students' life-long eating habits are greatly influenced by the types of foods and beverages available to them. Foods of good nutritional content including fruits, vegetables, low-fat dairy foods, and low-fat grain products will be available wherever and whenever food is sold or otherwise offered at school during the normal school day. Examples may include a la carte, snacks, vending machines, fund raising activities, parties, celebrations, and school sponsored events.

General Guidelines

- ☐ Food pricing strategies will be designed to encourage students to purchase nutritious items.
- ☐ Procedures will be in place for providing information to families, upon request, about the ingredients and nutritional values of the foods served.
- ☐ Food and beverages sold or served on school grounds or at school sponsored events during the normal school day will meet the Dietary Guidelines for Americans and the Standards for Food and Beverages set forth in this document.

School Meal Program

- ☐ the school food service program will operate in accordance with the National School Lunch Act and the Child Nutrition Act of 1996 as amended and with applicable laws and regulations of the state of South Dakota. All schools will comply with USDA regulations and state policies.
- ☐ Schools will offer varied and nutritious food choices that are consistent with the federal government's Dietary Guidelines for Americans. For the purpose of this policy, "Dietary Guidelines for Americans" refers to the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives, and reduce chronic disease risks.
- ☐ Menus will be planned with input from students, family members, and other school personnel and will take into account students' cultural norms and preferences.
- ☐ Students with special dietary needs (e.g. diabetes, celiac sprue, or allergies) will be accommodated as required by USDA regulation.

A La Carte Offerings in the Food Service Program

- ☐ A la carte items will meet the Standards for Food and Beverages set forth in this document.
- ☐ School food service departments will not sell extra portions of desserts, French fries, and/or ice cream.

Snacks

- ☐ Healthy snacks provided by the school will include fresh, dried, or canned fruits (in 100% juice only); vegetables; 1% or skim milk; and grains meeting the smart snacks and school nutrition standards.
- ☐ Snacks provided by students must be store-bought.

Parties and Celebrations

Schools should limit celebrations that involve food during the school day.

- ☐ the district will disseminate a list of healthy party ideas to parents and teachers.

School Sponsored Events (athletics, events, dances, performances)

- ☐ Healthy choices of food and beverages that meet the Standards for Food and Beverages will be offered at school-sponsored events outside the school day.

Vending Machines

- ☐ Vending machines with food and beverages will not be available in elementary schools.
- ☐ Vending machines will be reviewed on a regular basis for nutritional content and use by the student population.
- ☐ All foods and beverages sold in school vending must meet the Standards for Foods and Beverages and guidelines for vending machines set forth in this document.

Standards for Food and Beverages

- ☐ Beverages
 - o Provide 100% fruit and vegetable juices and limit portion sizes to 4-12 ounces.
 - o Provide water - non-carbonated and unflavored without added sugar, artificial sweeteners, or caffeine.
 - o Provide milk (skim or 1% fat) in portion sizes of 8-16 ounces. Flavored milk (chocolate or strawberry), low fat, or skim may be offered in up to 12 ounce serving sizes with no more than 36 grams of sugar in a 12 ounce portion.
 - o Reduce with the goal of eliminating the sale of soft drinks, sports drinks, punch, fruit drinks, iced tea, coffee and coffee-like beverages, and other items not included in allowable beverages listed above.
- ☐ Grains
 - o A variety of whole wheat & grains will be served as part of the bread components as required in compliance with nutrient standards for traditional menu planning for different age groups.
- ☐ Fruits & Vegetables
 - o A variety of fruit and vegetable will be offered to meet the fruit and vegetable components as required in compliance with nutrient standards for traditional menu planning for different age groups.
- ☐ Condiments & Miscellaneous
 - o Effort will be made to give choices including herbs and spices.
 - o Salt shakers will be removed from tables.

Wellness Education Component

Nutrition Education

At each grade level nutrition education will be offered as part of a cumulative, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote their health. Nutrition education will be incorporated into the school day as often as possible. The primary goal of nutrition education is to influence students' eating behavior. It is the goal of the Timber Lake School District to provide nutrition education in the following ways.

- ☐ teaches consistent scientifically-based nutrition messages throughout the school, classroom, cafeteria, home, community, and media;
- ☐ is part of health education classes and/or stand-alone courses;
- ☐ includes the school cafeteria which serves as a "learning laboratory" to allow students to apply critical thinking skills taught in the classroom;
- ☐ uses the South Dakota Health Education Standards and addresses nutrition concepts progressively in grades K-12;
- ☐ provides enjoyable, developmentally appropriate, culturally relevant, and participatory activities (e.g. contests, promotions, taste testing, farm visits, and school gardens);
- ☐ Offers information to families that encourage them to teach their children about health and nutrition, and assists them in planning nutritious meals for their families;
- ☐ will include a school nutrition/health team, such as a Team Nutrition or Coordinated School Health, to conduct nutrition education activities and promotions that involve parents, students, and the community.
- ☐ Community Partnerships with Horizon, Missouri Breaks, Youth Diabetes Prevention, and others.

Physical Activity Education

The primary goal for the school's physical activity education is to provide opportunities for every student to gain knowledge and understanding of the short and long-term benefits of a physically active and a healthful lifestyle.

Professional Development

The Timber Lake School District will provide ongoing professional development and wellness education for food service professionals, educators, administrators and other staff.

Other School-Based Activities Component

The Timber Lake School District will create an environment that provides consistent wellness messages, is conducive to healthy eating and physical activity; and contributes to forming healthy life-long habits.

Eating Environment

- ☐ Students and staff will have adequate space to eat meals in clean, safe, pleasant surroundings and will have adequate time scheduled as near the middle of the school day as possible to eat, relax, and socialize.
- ☐ Safe drinking water and convenient access to facilities for hand-washing and oral hygiene will be available during all meal periods.
- ☐ Consideration will be given for passing time, bathroom break, hand washing, and socializing so as to allow ten minutes for breakfast and twenty minutes for lunch

Rewards/Incentives/Consequences

- ☐ Rewards and incentives will be given careful consideration as to the messages they send to the students receiving them. Food will not be used as a reward or incentive in the classroom, but other, more appropriate rewards may be used (e.g. extra free time, pencils, or bookmarks).
- ☐ Food will not be withheld from students as a consequence for inappropriate behavior or poor academic performance.
- ☐ Teachers and other school personnel will not prohibit or deny student participation in recess or other physical activity as a consequence for inappropriate behavior or poor academic performance; nor will they cancel recess or other physical activity for instructional make-up time.

Use of School Facilities Outside of School Hours

- ☐ School spaces and facilities will be available when possible, to students, staff, and community members before, during, and after the school day; on weekends; and during School vacations.
- ☐ the school will facilitate partnerships to institute recreation programs utilizing school facilities when possible.
- ☐ Schools will educate the community, including parents and staff, about utilizing the facility. These spaces and facilities also will be available to community agencies and organizations offering physical activity and nutrition programs.
- ☐ School policies concerning safety will apply at all times.

Fundraising

- ☐ School fundraising activities will support healthy lifestyles. Such activities may include physical activity (e.g. walk-a-thon), school support (e.g. selling school memorabilia) and/or academic achievement (e.g. spelling bee).

- ☐ the sale of food or beverages as a fund raiser will not take place from one hour before and one hour after the breakfast and lunch service.
- ☐ Schools will encourage fundraising activities that promote physical activity.
- ☐ the school district will make available a list of ideas for acceptable fundraising activities.
- ☐ Effort will be made that at least 50% of the fund-raising activities will not involve the sale of food and/or beverages. See fundraising policy.

Wellness Committee

- ☐ The Timber Lake School District will develop a Wellness Committee comprised of school personnel, community members, and students to plan, implement, and assess ongoing activities that promote healthy lifestyles, particularly physical activity and nutrition for all age groups within the school community.

Definitions

A La Carte: Additional and separately priced foods.

Dietary Guidelines for Americans: dietary recommendations for healthy Americans age 2 years and over about food choices that promote health, specifically with respect to prevention or delay of chronic diseases.

Physical Activity: any bodily movement produced by skeletal muscles that result in an expenditure of energy (The Center for Disease Control and Prevention).

Normal School Day: time period spanning from the first bell of the day that begins the first class period to the last bell of the day ending the final class period.

Vending Machine: a coin operated machine for the sale

Accountability

Public Involvement: Public will be invited to participate in Timber Lake Schools wellness activities.

Public Updates: Timber Lake School will use their website, school board meetings and local media to communicate with the public.

Policy Leadership: Timber Lake Administration will encourage parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, review, and update of the local wellness policy.

Evaluation Plan: Timber Lake School District will evaluate their wellness policy routinely while staying compliant with the district policy. Surveys to students, parents, and staff will take place as needed.

Revised: 6-14-2017

Nutrition Education:

- ☐ Teaches consistent scientifically-based nutrition messages throughout the school, classroom, cafeteria, home, community, and media;
- ☐ Is part of health education classes and/or stand-alone courses;
- ☐ Includes the school cafeteria which serves as a “learning laboratory” to allow students to apply critical thinking skills taught in the classroom;

- ☐ Uses the South Dakota health Education Standards and addresses nutrition concepts progressively in grades K-12;
- ☐ Provides enjoyable, developmentally appropriate, culturally relevant, and participatory activities (e.g. contests, promotions, taste testing, farm visits, and school gardens);
- ☐ Offers information to families that encourage them to teach their children about health and nutrition, and assists them in planning nutritious meals for their families;
- ☐ Will include a school nutrition/health team, such as a Team Nutrition or Coordinated School Health, to conduct nutrition education activities and promotions that involve parents, students, and the community.

Physical Activity Component

The primary goal for the school's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short and long-term benefits of a physically active and healthful lifestyle.

Daily Physical Education Classes K-12

- ☐ All students in grades K-8 will receive daily physical education (or its equivalent of 150 minutes per week for elementary school students). Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.
- ☐ The physical education curriculum should demonstrate progression and sequence and be consistent with South Dakota and/or National Physical Education standards for Pre-k through grade 12.
- ☐ All physical education will be taught by highly qualified physical education teachers.
- ☐ Class teacher-to-student ratios should be equivalent to those of other subject area classes in the school.
- ☐ Student participation in other activities involving physical activity (e.g. interscholastic or intramural sports) will not be substituted for meeting the physical education requirement.

Physical Activity across the Curriculum

- ☐ Opportunities for physical activity are regularly incorporated into other subject areas (e.g. math, language arts, science, and social studies.).

Daily recess:

- ☐ Elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which students are encouraged (verbally and through the provision of space and equipment) to engage in moderate to vigorous physical activity.
- ☐ Recess will occur prior to lunch to ensure appropriate healthful food intake.
- ☐ Extended periods of inactivity, two hours or more, are discouraged. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, students will be given periodic breaks during which they are encouraged to stand and be moderately active.

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Ü Food pricing strategies will be designed to encourage students to purchase nutritious items.

Ü Procedures will be in place for providing information to families, upon request, about the ingredients and nutritional values of the foods served.

Ü Food and beverages sold or served on school grounds or at school sponsored events during the normal school day will meet the Dietary Guidelines for Americans and the Standards for Food and Beverages set forth in this document.

School Meal Program

Ü The school food service program will operate in accordance with the National School Lunch Act and the Child Nutrition Act of 1996 as amended and with applicable laws and regulations of the state of South Dakota. All schools will comply with USDA regulations and state policies.

Ü Schools will offer varied and nutritious food choices that are consistent with the federal government's Dietary Guidelines for Americans. For the purpose of this policy, "Dietary Guidelines for Americans" refers to the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives, and reduce chronic disease risks.

Ü Menus will be planned with input from students, family members, and other school personnel and will take into account students' cultural norms and preferences.

Ü Students with special dietary needs (e.g. diabetes, celiac sprue, or allergies) will be accommodated as required by USDA regulation.

A La Carte Offerings in the Food Service Program

Ü A la carte items will meet the Standards for Food and Beverages set forth in this document.

Ü School food service departments will not sell extra portions of desserts, French fries, and/or ice cream.

Snacks

Ü Healthy snacks **provided by the school** will include fresh, dried, or canned fruits (in 100% juice only); vegetables; 1% or skim milk; and grains meeting the smart snacks and school nutrition standards.

Ü **Snacks provided by students must be store-bought.**

Parties and Celebrations

Ü Schools should limit celebrations that involve food during the school day.

Ü The district will disseminate a list of healthy party ideas to parents and teachers.

School Sponsored Events (athletics, events, dances, performances)

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Ü Vending machines will be reviewed on a regular basis for nutritional content and use by the student population.

Ü All foods and beverages sold in school vending must meet the Standards for Foods and Beverages and guidelines for vending machines set forth in this document.

Standards for Food and Beverages

Ü Beverages

○ Provide 100% fruit and vegetable juices and limit portion sizes to 4-12 ounces.

○ Provide water - non-carbonated and unflavored without added sugar, artificial sweeteners, or caffeine.

○ Provide milk (skim or 1% fat) in portion sizes of 8-16 ounces. Flavored milk (chocolate or strawberry), low fat, or skim may be offered in up to 12 ounce serving sizes with no more than 36 grams of sugar in a 12 ounce portion.

○ Reduce with the goal of eliminating the sale of soft drinks, sports drinks, punch, fruit drinks, iced tea, coffee and coffee-like beverages, and other items not included in allowable beverages listed above.

Ü Grains

○ A variety of whole wheat & grains will be served as part of the bread components as required in compliance with nutrient standards for traditional menu planning for different age groups.

Ü Fruits & Vegetables

○ A variety of fruit and vegetable will be offered to meet the fruit and vegetable components as required in compliance with nutrient standards for traditional menu planning for different age groups.

Ü Condiments & Miscellaneous

○ Effort will be made to give choices including herbs and spices.

○ Salt shakers will be removed from tables.

Wellness Education Component

Nutrition Education

At each grade level nutrition education will be offered as part of a cumulative, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote their health. Nutrition education will be incorporated into the school day as often as possible. The primary goal

of nutrition education is to influence students' eating behavior. It is the goal of the Timber Lake School District to provide nutrition education in the following ways.

- Teaches consistent scientifically-based nutrition messages throughout the school, classroom, cafeteria, home, community, and media;

- Is part of health education classes and/or stand-alone courses;

- Includes the school cafeteria which serves as a “learning laboratory” to allow students to apply critical thinking skills taught in the classroom;

- Uses the South Dakota Health Education Standards and addresses nutrition concepts progressively in grades K-12;

- provides enjoyable, developmentally appropriate, culturally relevant, and participatory activities (e.g. contests, promotions, taste testing, farm visits, and school gardens);

- Offers information to families that encourage them to teach their children about health and nutrition, and assists them in planning nutritious meals for their families;

- will include a school nutrition/health team, such as a Team Nutrition or Coordinated School Health, to conduct nutrition education activities and promotions that involve parents, students, and the community.

- Community Partnerships with Horizon, Missouri Breaks, Youth Diabetes Prevention, and others.

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The primary goal for the school's physical activity education is to provide opportunities for every student to gain knowledge and understanding of the short and long-term benefits of a physically active and a healthful lifestyle.

Professional Development

The Timber Lake School District will provide ongoing professional development and wellness education for food service professionals, educators, administrators and other staff.

Other School-Based Activities Component

The Timber Lake School District will create an environment that provides consistent wellness messages, is conducive to healthy eating and physical activity; and contributes to forming healthy life-long habits.

Eating Environment

- Students and staff will have adequate space to eat meals in clean, safe, pleasant surroundings and will have adequate time scheduled as near the middle of the school day as possible to eat, relax, and socialize.

- Safe drinking water and convenient access to facilities for hand-washing and oral hygiene will be available during all meal periods.

- Consideration will be given for passing time, bathroom break, hand washing, and socializing so as to allow ten minutes for breakfast and twenty minutes for lunch.

Rewards/Incentives/Consequences

Ü Rewards and incentives will be given careful consideration as to the messages they send to the students receiving them. Food will not be used as a reward or incentive in the classroom, but other, more appropriate rewards may be used (e.g. extra free time, pencils, or bookmarks).

Ü Food will not be withheld from students as a consequence for inappropriate behavior or poor academic performance.

Ü Teachers and other school personnel will not prohibit or deny student participation in recess or other physical activity as a consequence for inappropriate behavior or poor academic performance; nor will they cancel recess or other physical activity for instructional make-up time.

Use of School Facilities Outside of School Hours

Ü School spaces and facilities will be available when possible, to students, staff, and community members before, during, and after the school day; on weekends; and during school vacations.

Ü The school will facilitate partnerships to institute recreation programs utilizing school facilities when possible.

Ü Schools will educate the community, including parents and staff, about utilizing the facility. These spaces and facilities also will be available to community agencies and organizations offering physical activity and nutrition programs.

Ü School policies concerning safety will apply at all times.

Fundraising

Ü School fundraising activities will support healthy lifestyles. Such activities may include physical activity (e.g. walk-a-thon), school support (e.g. selling school memorabilia) and/or academic achievement (e.g. spelling bee).

Ü The sale of food or beverages as a fund raiser will not take place from one hour before and one hour after the breakfast and lunch service.

Ü Schools will encourage fundraising activities that promote physical activity.

Ü The school district will make available a list of ideas for acceptable fundraising activities.

Ü Effort will be made that at least 50% of the fund-raising activities will not involve the sale of food and/or beverages. See fundraising policy.

Wellness Committee

Ü the Timber Lake School District will develop a Wellness Committee comprised of school personnel, community members, and students to plan, implement, and assess ongoing activities that promote healthy lifestyles, particularly physical activity and nutrition for all age groups within the school community.

Definitions

A La Carte: Additional and separately priced foods.

Dietary Guidelines for Americans: dietary recommendations for healthy Americans age 2 years and over about food choices that promote health, specifically with respect to prevention or delay of chronic diseases.

Physical Activity: any bodily movement produced by skeletal muscles that result in an expenditure of energy (The Center for Disease Control and Prevention).

Normal School Day: time period spanning from the first bell of the day that begins the first class period to the last bell of the day ending the final class period.

Vending Machine: a coin operated machine for the sale

Accountability

Public Involvement: Public will be invited to participate in Timber Lake Schools wellness activities.

Public Updates: Timber Lake School will use their website, school board meetings and local media to communicate with the public.

Policy Leadership: Timber Lake Administration will encourage parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, review, and update of the local wellness policy.

Evaluation Plan: Timber Lake School District will evaluate their wellness policy routinely while staying compliant with the district policy. Surveys to students, parents, and staff will take place as needed.

Revised: 6-28-2017

Rewards/Incentives/Consequences

- ☐ Teachers and other school and community personnel will not use physical activity (e.g., running laps) as punishment
- ☐ or withhold opportunities for physical activity (e.g., recess, physical education) as punishment except with administrative approval.
- ☐ Students will not be denied physical activity for purposes of make-up work, testing, etc. except with administrative approval.

Use of School Facilities Outside of School Hours

- ☐ School spaces and facilities will be available when possible, to students, staff, and community members before, during, and after the school day; on weekends; and during school vacations.
- ☐ Schools will educate the community, including parents and staff, about utilizing the facility. These spaces and facilities also will be available to community agencies and organizations offering physical activity and nutrition programs.
- ☐ School policies concerning safety will apply at all times.

Wellness Council/Committee

- ☐ Schools will develop a Wellness Council/Committee comprised of school personnel, community members, and students to plan, implement, and assess ongoing activities that promote healthy lifestyles, particularly physical activity for all age groups within the school community.

Other School-Based Activities Component

- ☐ Schools will create an environment that provides consistent wellness messages, is conducive to healthy eating and physical activity; and contributes to forming healthy life long habits.

Professional Development

- ☐ Schools will provide ongoing professional development and education for foodservice professionals, educators, administrators and other staff.

Eating Environment

- ☐ Students and staff will have adequate space to eat meals in clean, safe, pleasant surroundings and will have adequate time scheduled as near the middle of the school day as possible to eat, relax, and socialize.
- ☐ Safe drinking water and convenient access to facilities for hand washing and oral hygiene will be available during all meal periods.
- ☐ Consideration will be given for passing time, bathroom break, hand washing, and socializing so as to allow ten minutes for breakfast and twenty minutes for lunch.

- ☐ Recess Before Lunch

O Schools will schedule recess for elementary grades before lunch when possible so that children will come to lunch less distracted and ready to eat. Activity before lunch also encourages nutrient intake.

Rewards, Incentives, and Consequences

It is the goal of Timber Lake School that:

- ☐ Rewards and incentives will be given careful consideration as to the messages they send to the students receiving them. Food will not be used as a reward or incentive in the classroom, but other, more appropriate rewards may be used (e.g. extra free time, pencils, bookmarks,).
- ☐ Food will not be withheld from students as a consequence for inappropriate behavior or poor academic performance.
- ☐ Teachers and other school personnel will not prohibit or deny student participation in recess or other physical activity as a consequence for inappropriate behavior or poor academic performance; nor will they cancel recess or other physical activity for instructional make-up time.

Community Access to Facilities for Physical Activity

- ☐ Schools will provide community access to the school's physical activity facilities outside of the normal school day and/or form city-school partnerships to institute recreation programs utilizing school facilities when possible.

Vending Machines

- ☐ Vending machines with food and beverages will not be available in elementary schools.
- ☐ Vending machine will be reviewed on a regular basis for nutritional content and use by the student population.

Fundraising

- ☐ School fundraising activities will support healthy lifestyles. Such activities may include physical activity (e.g. walk-a-thon), school support (e.g. selling school memorabilia) and/or academic achievement (e.g. spelling bee).
- ☐ The sale of food or beverages as a fund raiser will not take place from one hour before and one hour after the breakfast and lunch service.
- ☐ Schools will encourage fundraising activities that promote physical activity.
- ☐ The school district will make available a list of ideas for acceptable fundraising activities.

Wellness Councils

- ☐ School will organize local wellness councils comprised of parents, teachers, administrators, foodservice personnel, and students to plan, implement, and improve nutrition and physical activity within the school environment.

Nutrition Standards Component

Students' life-long eating habits are greatly influenced by the types of foods and beverages available to them. Foods of good nutritional content including fruits, vegetables, low-fat dairy foods, and low-fat grain products will be available wherever and whenever food is sold or otherwise offered at school during the normal school day. Examples may include a la carte, snacks, vending machines, fund raising activities, parties, celebrations, and school sponsored events.

General Guidelines

- ☐ Food pricing strategies will be designed to encourage students to purchase nutritious items.
- ☐ Procedures will be in place for providing information to families, upon request, about the ingredients and nutritional values of the foods served.
- ☐ Food and beverages sold or served on school grounds or at school sponsored events during the normal school day will meet the Dietary Guidelines for Americans and the Standards for Food and Beverages set forth in this document.

School Meal Program

- ☐ The school food service program will operate in accordance with the National School Lunch Act and the Child Nutrition Act of 1996 as amended and with applicable laws and regulations of the state of South Dakota. All schools will comply with USDA regulations and state policies.
- ☐ Schools will offer varied and nutritious food choices that are consistent with the federal government's Dietary Guidelines for Americans. For the purpose of this policy, "Dietary Guidelines for Americans" refers to the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives, and reduce chronic disease risks.
- ☐ Menus will be planned with input from students, family members, and other school personnel and will take into account students' cultural norms and preferences.
- ☐ Students with special dietary needs (e.g. diabetes, celiac spree, allergies,) will be accommodated as required

A La Carte Offerings in the Food Service Program

- ☐ A la carte items will meet the Standards for food and Beverages set forth in this document.
- ☐ School food service departments will not sell extra portions of desserts, French fries, and/or ice cream.

Snacks

- ☐ Healthy snacks will include fresh, dried, or canned fruits (in 100% juice only); vegetables; 1% or skim milk; and grains meeting the Standards for Food and Beverages set forth in this document.

Fundraising

- ☐ Effort will be made that at least 50% of the fund raising activities will not involve the sale of food and/or beverages. If food and/or beverages are offered they will meet the Standards for Food and Beverages.

Parties and Celebrations

- ☐ Schools should limit celebrations that involve food during the school day.
- ☐ Each party should include no more than one food or beverage that does not meet the Standards for Food and Beverages on the food pyramid.
- ☐ The district will disseminate a list of healthy party ideas to parents and teachers.

School Sponsored Events (such as but not limited to athletic events, dances, or performances)

- ☐ Healthy choices of food and beverages that meet the Standards for Food and Beverages will be offered at school-sponsored events outside the school day.

Vending Machines

- ☐ All foods and beverages sold in school vending must meet the Standards for Foods and Beverages and guidelines for vending machines set forth in this document.

Standards for Food and Beverages

1. Beverages:

- a. Provide 100% fruit and vegetable juices and limit portion sizes to 4-12 ounces.
- b. Provide water - non-carbonated and unflavored without added sugar, artificial sweeteners, or caffeine.
- c. Provide milk-skim or 1% in portion sizes of 8-16 ounces.
 - 1. Flavored milk (chocolate or strawberry), low fat, or skim may be offered in up to 12 ounce serving sizes with no more than 36 grams of sugar in a 12 ounce portion.
- d. Reduce with the goal of eliminating the sale of soft drinks, sports drinks, punch, fruit drinks, iced tea, coffee and coffee-like beverages, and other items not included in allowable beverages listed above.

2. Grains:

- a. A variety of whole wheat & grains will be served as part of the bread components as required in compliance with nutrient standards for traditional menu planning for different age groups.

3. Fruits and Vegetables:

A variety of fruit and vegetable will be offered to meet the fruit and vegetable components as required in compliance with nutrient standards for traditional menu planning for different age groups.

5. Condiments and miscellaneous:

- a. Offer salad dressing containing no more than 6 - 12 grams of fat per ounce.
- b. Remove salt shakers from tables.

DEFINITIONS

A La Carte: additional and separately priced foods.

Dietary Guidelines for Americans: dietary recommendations for healthy Americans age 2 years and over about food choices that promote health, specifically with respect to prevention or delay of chronic diseases.

Physical Activity: the Center for Disease Control and Prevention (CDC) defines physical activity as any bodily movement produced by skeletal muscles that result in an expenditure of energy.

Normal School Day: time period spanning from the first bell of the day that begins the first class period to the last bell of the day ending the final class period.

Vending Machine: a coin operated machine for the sale of merchandise.

NEPN Code: AM

DISABILITIES ACT

TIMBER LAKE SCHOOL DISTRICT 20-3
PLAN FOR COMPLIANCE WITH
AMERICANS WITH DISABILITIES ACT

NAME OF UNIT: TIMBER LAKE SCHOOL DIST. 20-3
ADDRESS OF FACILITY: 500 MAIN STREET
BOX 1000
Timber Lake, SD 57656

NAME OF PERSON COMPLETING PLAN: FRANK SEILER, SUPT.

On November 9, 1992 at the regular meeting of the Timber Lake School Board, the board appointed the following persons to a committee to ensure compliance with the Americans with Disabilities Act:

Frank Quinn - Board Member
Marcia O'Leary - Board Member
Frank Seiler - Superintendent

The committee met on Dec. 14, 1992 to survey our facility for immediate and future needs. As a result of that survey, several structural changes were ordered, and completion dates assigned. It was also established that the superintendent of the district would produce this plan.

Our district will accomplish the following:

- . Complete a self-evaluation of services, policies and practices by January 26, 1993;
- . Designate a coordinator for the ADA who coordinates compliance and investigates complaints;
- . Provide a notification process for employees, participants and beneficiaries;
- . Develop a transition plan for facilities modifications which is open for public inspection.

GENERAL PROVISIONS

PERSONNEL PRACTICES

It will be the practice of the Timber Lake School District in hiring personnel to guarantee non-discrimination in the selection of candidates, including candidates with mental or physical disabilities, so long as their disabilities do not impair their ability to perform the essential functions of the job. It will also be the practice of the district to ensure non-discrimination of any employee that may be terminated, that termination is not based on their mental or physical disabilities, which do not impair their ability to perform the essential functions of their assignment. The district also understands its obligation to make reasonable modifications for applicants or present employees of the district to accommodate their needs. Reasonable modifications would include possible structural changes or restructuring schedules to accommodate the individual with disability. If the district would face undue hardship in terms of cost, administration, or in changes to our programs, then the accommodations would not be required. If the disability would pose a risk of harm to them or other persons and modifications do not reduce the risk, then the district is not obligated to accommodate. Discrimination is prohibited in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits and all other employment-related activities. It applies to all "qualified individuals with disabilities".

PROGRAM ACCESSIBILITY

The Timber Lake School District will not refuse a person with a disability to participate in a service, program or activity simply because the person has a disability. Our programs and services will be in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. Unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity will be eliminated. Requirements that tend to screen out individuals with disabilities are prohibited. The district will make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result. Our district will furnish auxiliary aids and services when necessary to ensure effective

communication, unless an undue burden or fundamental alteration would result. We will not place special charges on individuals with disabilities to cover the costs of measures required to provide program accessibility.

The Timber Lake School District may not remove all existing physical barriers that make locations inaccessible, but will make our programs accessible to individuals who are unable to use inaccessible areas of the facility. The program may be made accessible by means such as relocating a service to an accessible facility, providing an aide or personal assistant to enable an individual with a disability to obtain the service, or providing the benefits or services at an individual's home, or at an alternative accessible site. Our district is not required to take any action that would result in a fundamental alteration in the nature of the service, program or activity or in undue financial and administrative burdens.

Our district will ensure that newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities. When alterations to existing buildings take place, it will ensure that altered portions are accessible. Our district can choose between the following two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), or the Americans with Disability Act Accessibility Guidelines.

ENFORCEMENT

Private parties may bring lawsuits to enforce their rights under Title II of ADA. Damages and attorney fees may be awarded. Individuals may also file complaints with appropriate administrative agencies. Eight federal agencies are designated to handle Title II complaints. Complaints may also be filed with any Federal agency that provides financial assistance to our district, or with the Department of Justice, which will refer the complaint to the appropriate agency.

APPEAL PROCESS

Any disabled citizen can appeal to the district for complaints concerning employment practices, program accessibility or other matters regarding their rights under the Americans with Disabilities Act. Their appeal should be directed to the Designated Person for ADA Compliance in our district, who will be the superintendent. Their appeal will be handled in accordance with existing grievance procedures as established by the Timber Lake School District and as applicable to ADA standards.

NOTIFICATION PROCESS

The GENERAL PROVISIONS section of this plan will be published each year in the following:

- A. Teacher Handbook
- B. Elementary Handbook
- C. High School Handbook
- D. Middle School Handbook 8/02

The following statement will be published in the Timber Lake Topic with the issue containing opening of school information:

"The Timber Lake School District complies with the requirements of the Americans with Disabilities Act regarding personnel and program services. The compliance plan is available in the office of the superintendent, and any complaints regarding rights under the Act should be addressed to the designated person, which is the superintendent."

First Reading: December 14, 1992

Adoption Date: January 11, 1993

Reviewed: September 2007

Reviewed: 8-11-2008

Reviewed: 8-10-2009

Reviewed: 9-13-2010

1. All entrances to the school except the main entrance are locked. The main entrance on the east side of the school is handicapped accessible. Designated parking spaces are available in front of the east main entrance, one on either side of the cement ramp. The parking areas are designated by paint on the curb and a sign on the building.

2. Bathrooms are modified to accommodate citizens with disabilities.

Both male and female bathrooms are modified with proper stalls and fixtures according to USAF standards. One stall is provided in each bathroom and bathrooms have handicapped accessibility markings displayed.

Adopted: August 13, 2012
Timber Lake School Board

The United States Architectural & Transportation Barriers Compliance Board, 111 Eighteenth Street, NW, Suite 501, Washington DC, 20036-3894. Telephone 202-653-7834

Timber Lake School District 20-3

Non-discrimination Notice

Timber Lake School District 20-3 does not discriminate on basis of handicap, race, color, national origin, sex or age in access to employment in, or in the provision of, any of Timber Lake School District's programs, benefits, or activities. The following person has been designated to handle inquiries regarding this policy:

Julie Marshall, Title IX and Section 504 Coordinator
Timber Lake School District 20-3, PO Box 1000, Timber Lake SD 57656
605-865-3654 ext. 106

Or

Regional Office of Civil Rights, Kansas City Office, Office for Civil Rights
US Department of Education, 8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
Telephone: 816-268-0550, Fax: 816-823-1404, TDD: 877-521-2172
Email: OCR.KansasCity@ed.gov

Timber Lake School District	NEPN Code: AN
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Use of Alcohol, Drugs, and Controlled Substances by Employees (Drug Free Work Place)

Student and employee safety is a paramount concern to the School Board. Employees under the influence of alcohol, drugs, or controlled substances are a serious risk to themselves, to students, and other employees. The School Board will not tolerate the unlawful manufacture, use, possession, sale, distribution or being under the influence of drugs or controlled substances by any district employee.

Nor will the board tolerate the unlawful use of, or being under the influence of, alcohol by an on-duty employee. Any employee who violates this policy will be subject to disciplinary action which may include dismissal and or 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 drug statute convictions for a violation occurring in or on the premises of this school district, or while engaged in employment with the Timber Lake School District. Such notification must be made by the employee to the superintendent no later than five days after conviction. The superintendent will provide notice of such violation to the Impact Aid program, United States Department of Education, or other appropriate government agency within ten days after the superintendent receives such notification.

Within thirty days after receipt of information concerning a violation of this policy the district will take appropriate disciplinary action which may include termination of employment or requiring the employee to participate in drug assistance or rehabilitation programs.

All employees will attend a district drug free awareness program at which employees will be informed about the dangers of drug abuse in the work people; this policy of maintaining a drug free workplace; available drug counseling; rehabilitation, and employee assistance programs; and the penalties an employee in violation of this policy may be subjected to.

The school board recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be referred to a treatment facility or agency in the community if such a facility or agency is available.

When an employee has consumed alcoholic beverages or illegal drugs on school property or before a school activity, the employee will not be allowed on school property or to participate in school activities.

The School Board hereby commits itself to a continuing good faith effort to maintain a drug free work people. A copy of this policy shall be given to all present and future employees. P.L. 100-69

Revised: 9-13-2017

NEPN Code: AO

CONFLICT DISCLOSURE AND AUTHORIZATION

SDCL 3-23-6 states

“3-23-6. No board member, business manager, chief financial officer, superintendent, chief executive officer, or other person with the authority to enter into a contract or spend money in an amount greater than five thousand dollars of a local service agency, school district, cooperative education service unit, education service agency, nonprofit education service agency, or jointly governed education service entity that receives money from or through the state may have an interest in a contract nor receive a direct benefit from a contract in amount greater than five thousand dollars or multiple contracts in an amount greater than five thousand dollars with the same party within a twelve-month period to which the local service agency, school district, cooperative education service unit, or education service agency is a party except as provided in § 3-23-8.”

I. DEFINITIONS:

- a. “School Official” refers to a school board member, business manager, chief financial officer, superintendent, chief executive officer, or other person with the authority to enter into a contract or spend money in an amount greater than five thousand dollars.
- b. “Interest in a contract” is when (1) a School Official, the spouse of a School Official or any other person with whom the School Official lives and commingles assets, is employed by a party to any contract with the school district; or (2) the School Official, the spouse of a School Official, or any other person with whom the School Official lives and commingles assets, receives more than nominal compensation or reimbursement for actual expenses for serving on the board of directors of an entity that derives income or commission directly from the contract or acquires property under the contract.
- c. “Direct benefit from a contract” is when a School Official, the spouse of a School Official or any other person with whom the School Official lives and commingles assets (1) is a party to or intended beneficiary of the contract between the school district and a third party, or (2) has more than a five percent ownership interest in an entity that is a party to the school district contract, or (3) acquires property under the contract with the school district, or (4) receives compensation, commission, promotion, or other monetary benefit directly attributable to any contract.

II. PROHIBITION:

This policy prohibits School Officials board members, business manager, superintendent, and any other person who has the authority to enter into a contract or spend money on behalf of the school district from having an interest in a contract or receiving a direct benefit from one or more contracts between the school district and a third party, if the total contract amount is more than \$5,000 within a 12 month period, unless the School Official discloses to the school board his or her interest in the contract, or in the case of a direct benefit from the contract, discloses the direct benefit and receives school board authorization to receive the benefit.

III. EXCEPTIONS:

If any of the following apply, the School Official does not have an interest in the contract and does not derive a direct benefit from a contract, and disclosure (and authorization, if a direct benefit) is not required:

- 1. When the person’s relationship to the contract is based solely on the value associated with the person's publicly-traded investments or holdings, or the investments or holdings of any other person with whom the board member, business manager, chief financial officer, superintendent, or chief executive officer lives or commingles assets;

2. When the person's relationship to the contract is due to participating in a vote or a decision in which the person's only interest arises from an act of general application;
3. when the person's relationship to the contract is due to the person receiving income as an employee or independent contractor of a party with whom the local service agency, school district, cooperative education service unit, or education service agency has a contract, unless the person receives compensation or a promotion directly attributable to the contract, or unless the person is employed by the party as a board member, executive officer, or other person working for the party in an area related to the contract;
4. When the contract is for the sale of goods or services, or for maintenance or repair services, in the regular course of business at a price at or below a price offered to all customers;
5. When the contract is subject to a public bidding process;
6. When the contract is with the official depository as set forth in SDCL 6-1-3;
7. When the person only receives income or compensation, a per diem authorized by law or reimbursement for actual expenses incurred; or
8. When the contract or multiple contracts with the same party within a twelve-month period with whom the school district contracts in an amount less than five thousand dollars.

IV. DISCLOSURE:

A School Official who has an interest in a contract or who receives a direct benefit from a contract must disclose to the school board the existence of a contract in which the person has an interest or receives a direct benefit.

1. the disclosure must include the following: (i) all parties to the contract, (ii) the person's role in the contract, (iii) the purpose or objective of the contract, (iv) the consideration or benefit conferred or agreed to be conferred upon each party, and (v) the duration of the contract;
2. The disclosure must be in writing;
3. To the extent circumstances allow, disclosure must be given prior to entering into any contract that requires disclosure, and if circumstances do not permit disclosure prior to entering into the contract then within forty-five days after entering into the contract, and if the contract extends into consecutive fiscal years, disclosure shall also be made at the annual reorganization meeting.
4. The school board will have a regular agenda item at the beginning of the school board meeting agenda at which time the school board will address conflict of interest disclosures.
5. Conflict of interest disclosures must be submitted to the President of the School Board, the Superintendent or the Business Manager, at least 5 calendar days before the scheduled meeting in order to be included in the posted meeting agenda for the next school board meeting. Conflict of interest disclosures submitted to the President of the School Board, the Superintendent or the Business Manager after the proposed agenda has been posted may be deferred until the following school board meeting.

V. BOARD ACTION UPON DISCLOSURE:

1. Interest in the contract:
 - A. the school board is not required to authorize a School Official's interest in a contract;
 - B. the interest disclosure must be included in the official minutes of the school board (the official minutes are not required to be sent to the auditor-general and attorney general).
2. Direct benefit from a contract:

A. the school board shall review the disclosure and decide if the terms of the contract are fair and reasonable, and if the contract is contrary to the public interest.

i. if the school board determines the contract terms from which a direct benefit is derived are fair and reasonable, and that the contract is not contrary to the public interest, the school board shall vote to authorize the School Official to derive a direct benefit from the contract.

ii. After the school board authorizes a School Official to derive a direct benefit from a contract, no further disclosure or authorization related to the contract is required unless the contract extends into consecutive fiscal years. If the contract extends into consecutive fiscal years, disclosure must be made at the annual reorganization meeting but no new authorization is required.

b. If the school board determines the contract terms from which a direct benefit is derived are not fair and reasonable, or is contrary to the public interest, the school board shall vote to not authorize the School Official to derive a direct benefit from the contract. If the school board votes to not authorize a direct benefit, the contract is voidable and subject to disgorgement (i.e., the act of giving up on demand or by legal compulsion something that was obtained by illegal or unethical acts) or the person may resign from the school district.

c. The disclosure and school board action is public record.

d. The official minutes of the school board shall include the school board action on each disclosure and request for authorization to derive a direct benefit from a contract. A copy of the official school board minutes shall be sent to the auditor-general and attorney general within thirty (30) days of board approval of the minutes.

e. No school board member may participate in or vote upon a relating to a matter in which the school board member derives a direct benefit.

VI. MISCELLANEOUS:

1. Consequences for knowingly violating the conflict of interest laws set forth in SDCL Ch. 3-23:

a. It is a criminal violation for a School Official to knowingly violate the conflict of interest law.

b. A School Official who knowingly violated the conflict of interest law will be removed from office or employment and is disqualified from holding any public office, elective or appointive.

c. Any benefit which a School Official derived from the person's knowing violation of the conflict of interest law is subject to forfeiture.

d. Any contract made in violation of this policy may be voided by the school board.

The School District Attorney represents the school district and the school board and may answer questions about the law that address conflict of interest. As the school district attorney does not represent School Officials in their individual capacity, School Officials should consult with their own private attorney related to questions they may have regarding how this policy applies to their individual interests and contracts.

Adopted: 8-10-2016

Revised: 6-28-2017

Revised: 8-11-2021

CONFLICT OF INTEREST DISCLOSURE

Date: _____

Name of the School Official submitting the conflict of interest disclosure:

The disclosure is for the purpose of notifying the School Board of

_____ An interest in a contract

_____ A direct benefit from a contract:

Identify the following:

- (1) All parties to the contract
- (2) The person's role in the contract
- (3) The purpose(s)/objective(s) of the contract
- (4) The consideration or benefit conferred or agreed to be conferred upon each party
- (5) The length of time of the contract
- (6) Any other relevant information

If the disclosure relates to the School Official deriving a direct benefit from a contract, explain how the terms of the contract are fair, reasonable, and not contrary to the public interest such that authorization should be granted by the school board.

Signature of School Official: _____

THIS IS A PUBLIC DOCUMENT

Adopted: 8-10-2016

Revised: 6-28-2017

**SCHOOL BOARD ACTION ON CONFLICT OF INTEREST DISCLOSURE
OF A DIRECT BENEFIT**

Conflict of interest disclosure of a direct benefit, dated _____, was received from _____
the _____ School District School Board during a meeting held on _____.

_____ The request for authorization was denied because the terms of the contract were determined to not be fair and reasonable, and/or were contrary to the public interest.

_____ The direct benefit from the contract was authorized because the terms of the contract are fair and reasonable, and not contrary to the public interest.

_____ The direct benefit was authorized because the terms of the contract are fair and reasonable, and not contrary to the public interest such that a waiver should be granted, subject to the following conditions:

Signature of School Board President /Chairperson

Printed Name: _____

Date _____

THIS IS A PUBLIC DOCUMENT

Upon School Board approval of the official minutes of the meeting when the School Board acted upon the above conflict of interest disclosure, a copy of the official minutes will be emailed to the Auditor General and mailed to the Attorney General.

Adopted: 8-10-2016

Revised: 6-28-2017

PROHIBITION AGAINST AIDING OR ABETTING SEXUAL ABUSE

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

- **"Assisting"** includes but is not limited to giving a positive recommendation to a potential employer, but does not include the routine transmission of administrative and personnel files or information related to name of employee, contractor or agent, dates of employment/contract, and position held or work performed.
- **"Probable cause"** exists where the facts and circumstances within the [person's] knowledge, and of which they have reasonably trustworthy information, are sufficient in themselves to warrant a belief by a man of reasonable caution that [an offense] has been or is being committed."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

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.

Adopted: 7-8-19

NEPN Code: BA

School Board Definition:

As cited in Chapter 9, Section 1, of the Revised School Laws of South Dakota: " The School Board is an elected or appointed body which has been created according to the laws of the state for the purpose of organizing, maintaining, and conveniently locating schools for the education of all children of school age within a school district."

NEPN Code: BB

Legal Basis:

The School Board exists under and derives its power from the Constitution of the State of South Dakota and the acts of the Legislature thereof.

NEPN Code: BC

Type of School District

A school district in the State of South Dakota is defined as that district which operates a twelve year school program (with or without a kindergarten) or an accredited high school. The school district shall be known by the name of the municipal corporation which might be within the district. For example the official name is Timber Lake School District, 20-3 of Dewey County, South Dakota.

NEPN Code: BD

Composition and Election of the School Board

In the Timber Lake School District there shall be a school board consisting of five members to be elected at large whose term shall be three years, with one or two members being elected annually, in compliance with South Dakota Codified Law.

Revised: 9/11/2019

NEPN Code: BE

Vacancies SDCL 13-8-25

A vacancy on the board shall be filled by appointment by the remaining members of the board at any legally constituted meeting. Such a vacancy is filled in this manner until the next annual election.

NEPN Code: BF

Quorum SDCL 13-8-33

Assent of a majority of the members of a school board shall be required to take any official action as a school board.

Powers of the School Board SDCL 13-8-29

As provided and limited by law, the school board shall have general charge, direction, and management of the schools of the district and control and care of all property belonging to it and shall have power to levy taxes, borrow money, employ any necessary personnel, carry insurance, purchase all necessary books and equipment, and purchase real property and erect necessary buildings for the operation of such schools.

NEPN Code: BH

Annual Meeting of the School Board SDCL 13-8-10

The annual meeting of the school board shall be held on the Wednesday following the second Monday in July at a time to be determined by the Board.

NEPN Code: BI

Regular Meeting of the School Board SDCL 13-8-10

- a. Regular meetings shall be on the Wednesday following the second Monday of each month unless otherwise designated by the board at the annual meeting.
- b. Agenda items are to be into the Business Manager's office by the first Monday of the month.

NEPN Code: BJ

Adjourned and Special Meeting SDCL 3-8-10

- a. Any legal meeting may be adjourned to a specific time and place. The problems remaining on the agenda of the meeting adjourned should be acted upon first at the adjourned meeting. Other items of business are to be discussed and acted by a majority vote of the members.
- b. Special meetings may be held upon call of the president or in his/her absence by the vice president or a majority of the board members. Notice of such meeting shall be given by the business manager to the board members either orally or in writing in sufficient time to permit their presence.

NEPN Code: BK

Place of Meeting SDCL 13-8-10

All meetings of the board shall be held in the office of the superintendent unless each member of the board has been notified by the business manager to the contrary. In the event of such a change, the business manager shall take appropriate steps to inform the public.

NEPN Code: BL

In order to assure that the Board may conduct its meetings in a respectful and efficient manner, the procedure for public participation at regularly scheduled monthly school board meetings is as follows:

1. Agenda and Non Agenda Items:

- a. Before the meeting is called to order, an individual who desires to speak at a school board meeting must verbally or in writing inform the Superintendent, the Business Manager or the Board President of the person's desire to speak and the topic upon which

the person intends to speak. The requesting party must sign a form (prepared by the school district) with their name, address, email and topic to be addressed.

- b. During the time designated for Public Forum the Board President will recognize the person who signed up to speak and the person may speak on the topic according to the rules set forth in this policy.
- c. A speaker shall be granted 5 minutes to present comments to the school board. Upon receiving a request for an extension of time from the speaker, the school board, upon a motion being made and passed by a majority of school board members present and voting, may grant an additional amount of time not to exceed 5 minutes. Additional extensions may be granted only upon a two-thirds vote of school board members present and voting.
- d. Should a number of persons wish to address the school board on the same agenda item, or should the comments become repetitious, the School Board President, in the President's sole discretion, may shorten the time for comments to two minutes per person in order that persons wishing to address the school board may be heard and still allow the school board sufficient time to conduct its agenda business.

2. Adding an Item to the School Board Meeting Agenda in Order to Request Specific School Board Action:

- a. Any person or delegation (with one person being the spokesperson for the delegation) making a specific request to the school board which would require formal action by the school board must present a written request to the Superintendent for the item to be placed on the school board meeting proposed agenda. The written request must be submitted to the Superintendent at least ten calendar days before the school board meeting.
- b. The specific request to add an item to the agenda shall clearly identify what is being requested and why, signed by the person making the request, and include the person's name, address, email and telephone number.
- c. The Superintendent will forward the request to the School Board President and the Board President will decide whether the item will be placed on the proposed agenda. Whether any item is to be addressed at the school board meeting is determined by a majority of school board members at the beginning of the school board meeting when the school board adopts the proposed agenda as printed or adopted after being modified.
- d. If the item on the meeting agenda is adopted by the school board, the person or spokesperson for the delegation who has submitted the request for specific school board action will be granted 10 minutes to explain the request to the school board. Upon receiving a request for an extension of time from the speaker, the school board, upon a motion being made and passed by the majority of school board members present, may grant an additional amount of time not to exceed 5 minutes. Additional extensions may be granted only upon a two-thirds vote of school board members present and voting.
- e. In the sole discretion of the school board, requests to the school board for specific action submitted after the proposed agenda has been posted may be:
 - deferred until the next regular meeting or a special school board meeting, or
 - added to the meeting agenda for discussion purposes only, or
 - added to the agenda for discussion and possible action.

3. Authority of Presiding Officer:

The Board vests in its presiding officer the authority to terminate the right of any person to speak at the end of the time granted pursuant to provision 1.d, provision 1.e. or

provision 2.d. as set forth in this policy. The presiding officer may also terminate the right of a person to speak at a school board meeting should the person cause public inconvenience, annoyance, or alarm to the school board or any person, engage in threatening behavior, make unreasonable noise, disturb or be disruptive of an official school board meeting, or when comments are disrespectful to one or more persons, boisterous, argumentative, threatening, or contain profanity. If deemed necessary by the presiding officer, the presiding officer may contact local law enforcement to have a person removed from the school board meeting as it is a violation of law for a person to intentionally cause or create a risk of serious public inconvenience, annoyance, alarm or disturbance at a school board meeting.

Revised: 6/13/18

NEPN Code: BM

Functions of the School Board SDCL 13-8-39

- a. The chief function of the school board is to provide for the progress and welfare of all the schools under its control, and to adopt the policies which govern its organization and operation.
- b. The School Board is responsible for formulating policies for the general management of the schools in the district. It shall delegate administrative authority to the superintendent of schools, but shall be responsible to the people for the results produced.
 1. The board acts as a policy making body and through its own action, legislates to make effective these policies.
 2. The board acts as an appraisal body rendering judgment upon recommendation that may come to it through its executive officers or its own members which concern the progress and improvement of the schools.
 3. The board shall sit as a judicial body when the superintendent requests a hearing or on an appeal for any school employee or group of employees.
- c. The board shall:
 1. Select and elect a superintendent of schools who is the chief executive officer of the school system at the January meeting.
 2. Adopt the annual budget for the support of education in the district.
 3. Carefully deliberate on all issues to be considered. The majority action of the board on a given issue should become the policy of the entire board until such time as the question is again raised for consideration.
 4. Shall evaluate the educational program and the work of the superintendent and his/her staff annually.
 5. Promote and maintain desirable public relations by keeping the citizens informed of the school program, policies and needs.
 6. Form citizen's advisory committees in conjunction with the superintendent.
7. Act upon recommendation of the superintendent regarding:
 - (a) Matters of policy
 - (b) Appointment and dismissal of all personnel
 - (c) Selection of courses of study
 - (d) Adoption of salary schedules for all employees of the district.

- (e) Pass upon the accounts and the audits of the business control of the school.
- (f) Study the reports from the superintendent and his/her staff.
- (g) All other matters pertaining to the welfare of the schools.

8. The board will set bus routes for the transportation of students prior to the beginning of school each year.

NEPN Code: BN

Organization of the School Board SDCL 13-8-3

- a. At the first regular monthly meeting in the school year, the school board shall organize by the election of a president and vice-president from its membership which officers shall serve for a term of one year.
- b. The board shall also employ a business manager who shall act as the clerk and treasurer, but who is not a member of the board.

NEPN Code: BO

Duties of the President SDCL 13-8-26

- 1. The president of the board of education shall preside at the board meetings and shall countersign all checks and notes with the business manager which has been approved by the board. He/She shall appoint or provide for the election of all committees of which he/she shall be an ex-official member, shall confer with the superintendent as may be necessary and desirable regarding school or related matters, and shall call special meetings of the board. He/She shall be entitled to vote on and discuss all matters coming before the board, and shall perform such other duties as may be prescribed by the school board.

NEPN Code: BP

Duties of the Vice President SDCL 13-8-26

The Vice-president of the board shall assume the duties and responsibilities of the president in his/her absence and shall perform such other duties as may be assigned by the school board.

NEPN Code: BQ

Records Retention & Destruction Schedule (Adopted 6/14/2004)

The school board adopted the South Dakota Managing Public Records, Guide for South Dakota Local Schools, as the schedule to use to retain and destroy school records.

NEPN Code: BR

School Board Agenda

The superintendent, in cooperation with his/her staff, shall furnish board members with an agenda of principal items of business.

NEPN Code: BS

School Board Minutes

A complete record of the minutes shall be kept of all meetings of the board in compliance with South Dakota Codified Law. The minutes shall be reproduced in the minute book of the board, thus becoming the permanent and official record of the action of the board. This record shall be open to inspection by the public during regular office hours of the business manager.

Revised: 9/11/2019

NEPN Code: BT

Authority of School Board Members SDCL 13-8-33

Board members have authority only when acting as a school board legally in session. The board shall not be bound any way by any statement or action on the part of any individual board member or employee, except when such statement or action is in pursuance of specific instructions by the school board.

NEPN Code: CA

The Superintendent of Schools Administrative Rule 24:03:04:01

The superintendent of schools shall be the chief executive officer of the school board in the administration of the school. Coordination and supervision of the administrative services are primary responsibilities of the superintendent of schools. As chief executive officer of the school system, shall be responsible for the efficient operation of the system in all its division. The superintendent shall also exercise those duties which are provided by the statute and those which are specifically designated by the school board.

Duties of the Superintendent of Schools

- a. The superintendent of schools shall serve as the executive officer of the school board and shall be charged with the responsibility for implementing the policies of the board, shall prepare the agenda for each meeting, shall attend all meetings, except when his/her contract is being considered, and participate in all deliberations of the board when such deliberations do not involve his/her employment.
- b. Shall administer the schools in conformity with the adopted policies of the school board, submit for adoption by the board of education the annual school calendar, and make a continuous study of the development and needs of the schools, and present reports to the board of education on the condition and development of the schools. Shall also acquaint the public with the activities and needs of the school.
- c. Shall recommend to the school board the appointment of all personnel required for teaching, supervision, clerical work, maintenance of buildings, custodial service, and any other types of service which may be necessary for the operation of the schools.
- d. Shall be responsible for the assignment, alteration of assignment, suspension, and recommendation for promotion of or dismissal of any employee of the school district except himself or herself.
- e. Shall be responsible for the conduct of the instructional program and shall provide courses of study, textbooks, supplies, supervision for the instructional program, and shall have the right to consolidate classes.
- f. May, for cause, suspend or recommend the expulsion of pupils from school.

- g. Shall have the authority to control and shall exercise general supervision of the policies and management of individual schools by granting or withholding approval of policies, plans, and procedures as these may be prepared by principals, or teachers.
- h. Shall maintain a continuous study of the problems confronting the schools, evaluate the quality and efficiency of all departments, and report to the school board as often as requested.
- i. Shall have the responsibility to submit school policies, plans, and programs and shall assist the school board in its duties of legislation and policy making for the schools.
- j. Shall assist the business manager in preparation of the budget.
- k. May close school due to inclement weather conditions when, in the best judgment, it be deemed advisable for the welfare of the students.
- l. Shall be responsible for other such duties requested by the school board.
- m. Retain evaluations for 1 year in office, then transfer to storage for 4 years. May be destroyed after 5 years provided no litigation concerning employment terms is pending.

Advisory Councils

The superintendent shall have the authority to form advisory committees or councils of school employees, and members of the community to advise in formulation plans and policies for carrying on the functions of the school.

Delegation of Authority

- a. The superintendent of schools may delegate duties or work to subordinate officers or employees as required for the effective administration of the school system except in such matters as when the statute or resolutions of the school board prohibit such delegation of authority.
- b. All reports or recommendation to the board from any officer or employee under the direction of the superintendent shall be made to the office of the superintendent unless otherwise directed by the school board.

Office Management

- a. Secretary:
 - 1. Full time secretarial help is provided.
 - 2. Superintendent is responsible for secretary's duties.
 - 3. Secretary may handle any duty assigned by their administrator. (Revised 12/99)

NEPN Code: CB

Duties of the Business Manager 13-8-11, 13-8-15, 13-8-27, 13-8-28,13-8-35, 13-8-43, 13-8-47

The business manager of the school district shall:

- 1. Perform the duties imposed by the statute and the rules and regulations of the school board.
- 2. Keep the minutes of the board. The official minutes shall be kept in safekeeping and shall be made available by the business manager to any citizen desiring to examine them during the hours when the office of the business manager is normally open for business.

3. Publish proceedings to the board as may be determined by the board and consistent with the laws pertaining to the official publication of the minutes of board action.
4. Assume responsibility for a detailed account of all the business of the board and prepare periodic and annual reports of the receipts and expenditures in the school district.
5. Sign all checks for the payment of bills, salaries, and contracts approved by the board.
6. Assume the responsibility for the conducting of school elections.
7. Shall be responsible for the preparation of the annual budget for the school district with the assistance of the Superintendent.
8. Keep an accurate record of all disbursements according to the uniform system of financial accounting as prescribed by the law of South Dakota pertaining thereto.
9. Have custody of all monies belonging to the school district. Once each month the county treasurer shall transfer all money in the hands of the county treasurer belonging to the school district. Whenever any funds which have been collected by the county for the district from taxes or from any other source are remitted to the district, the county auditor shall send to the school district business manager a statement showing the exact source and amount of such funds, said statement being made in such form and containing such information as shall be prescribed by the state superintendent of public instruction.

NEPN Code: CC

Principals / Qualifications

- a. Each school or combination of schools shall be under the administration and supervision of a principal.
- b. Shall be hired in February.

Qualifications of Principals

Shall have had a minimum of two years teaching experience, hold at least a master's degree in administration and supervision, or be able to obtain one within 5 years. (Revised 12/99)

NEPN Code: CD

Secondary Principal's Job Description: (specific)

Curriculum Development:

- a. Scheduling:
 1. Set up high school schedule based on school board class requirements and state requirements as to time and offering. (Revised 12/99)
 2. Rotate periods so lyceums and extra-curricular and co-curricular interference is kept to a minimum.
 3. Schedules will be set up in May for the next school year.
- b. Curriculum Changes:
 1. Added courses or deletions recommended by principal.
 2. Staff needs for changes recommended by principal.
 3. Recommend new classroom materials for changes.

4. Recommend new classroom materials for updating class offerings.
 5. Recommend audio-visual needs through instructors
- c. Pupil Accounting:
1. Complete the pupil registration and pre-registration.
 2. Permanent records completed by charge of principal.
 3. Absences and tardy subject to principal's office.
 4. Principal will advise student council in matters dealing with student affairs.
 5. Curricular activities supervised by principal.
 6. All parent-student complaints and /or discipline problems resolved through principal's office.

Student Activities:

a. Extra-Curricular:

1. All eligibility reports finalized by principal through athletic director.
2. Advise student council on extra-curricular activities.
3. Correspond with schools in extra-curricular matters; i.e. dates of activities; general problems.

b. Handbook Rules and Regulations:

1. Recommend rules and regulations to Superintendent and Board.
2. Inform students of rules and responsibilities.
3. Changes as needed will be principal's responsibility.
4. Student and faculty handbook will be reviewed annually and revised if necessary.
5. Inform teachers of responsibilities, duties, policies, and etc.

c. Student Awards and Programs:

1. Originate with staff - final approval by principal.
2. Graduation
3. Awards program
4. Sales for class funds
5. All financial matters cleared through the superintendent

Staff Management:

a. Teacher Supervision and Evaluation:

1. Visit and make recommendation as per school evaluation policies.
2. Confer with teacher to complete evaluation procedure.
3. Give testimony at hearings on evaluation procedures.
4. Report to the Superintendent in February on the status of each teacher as to achievement and performance in the form of a recommendation for reemployment or non-reemployment.
5. Retention of evaluations - retain 1 year in office, then transfer to storage for 4 years. May be destroyed after 5 years provided no litigation concerning employment terms is pending.

b. Teacher - Materials:

1. All new materials for instruction recommended by principal.
2. All requisitions are given final approval by the principal.

c. Staff meetings:

1. Meet with respective staff as needed to resolve complaints, meetings, or in service meetings.
2. All extra duties not specified by contract should be taken care of by meeting or individually. (i.e. ticket taking)

d. Staff Communications:

1. Use bulletins to keep faculty informed.
2. Secure substitute teachers as needed.
3. Lesson plans either turned into office or classroom.

e. Staff Year Ending Activities:

1. Inventories - complete and accurate.
2. Final grades and student attendance.
3. Forms for summer address, turned into business manager.
4. Requisitions - approved by principal.
5. All personal items cleared of building or stored appropriately.
6. All school materials accounted for and stored appropriately.

f. Staff Vacancies:

1. Principal assists in interviewing applicants, final selection made from principals top three recommendations. The respective principal, or principals and the Supt. shall make recommendation to the board for their final approval of the applicant cooperatively selected.

Office Management:

a. Secretary:

1. Full time secretarial help is provided.
2. Principal is responsible for secretary's duties.
3. Secretary may handle any duty assigned by their administrator. (Revised 12/99)

b. Permanent Records:

1. By law, individual records on each student be kept current.
2. All transcripts produced by principal's office.
3. Reports to outside agencies kept current on matters of students and staff.
4. All permanent record files under lock and key.
5. Permission received from parent or student before records can be viewed by individuals.
6. Access to records by the teaching staff with a reasonable need to view.

c. Office:

1. Principal's office should not be used as a teacher's lounge.
2. Principal's telephone should not be used for personal calls.
3. A written record shall be kept of all long distance calls.

Building and Grounds:

a. New Facilities and Remodeling:

1. Recommend changes to superintendent as per better use of existing facilities.
2. Recommend changes as to needs for any supporting additional building facilities.

b. Fire Drills:

1. Principal shall report on drills success or problems to the superintendent.
2. Confer with Elementary principal to see that fire and disaster drills are held as required by law.

(See 5.2.1)

c. Safety Programs:

1. Safety programs shall be initiated by the principal as the need arises.
2. These programs can be on site or location (i.e. city streets)

News Media:

a. Community Relations:

1. Aid in preparing articles published in the school newsletter.
2. Pertinent articles that promote the school through local newspaper are the responsibility of the principal for his/her respective school.
3. Public meetings to discuss school problems are to be considered.

b. Advertising:

1. Advertisements for activities will be handled through the principal's office.

Elementary Principal Job Description (specific)

Curriculum Development

a. Schedule of classes:

1. Schedule classes as to times subjects are taught in a sequence benefiting students.
2. Lesson plans turned in to principal.

b. Curriculum changes:

1. Responsible to recommend adding or deleting subject areas.
2. Recommend staff needs for course changes.
3. Recommend new classroom materials.
4. Recommend classroom audio-visual materials.
5. Responsible for suggesting to staff methods for making efficient use of materials and equipment.
6. Will work with staff in selecting materials.

c. Pupil Accounting:

1. Complete pupil registration.
2. Responsible for maintaining permanent records
3. Absences and tardy subject to principal's office
4. Supervise co-curricular activities
5. Responsible for resolving all parent-student complaints and/or discipline problems.

Student Activities

a. Extra-Curricular:

1. Supervise activities calendar for elementary school.
2. Responsible to correspond with schools regarding extra-curricular matters (i.e. dates of activities, times, etc.)

b. Handbook Rules and Regulations:

1. Recommend rules and regulations to superintendent/board.
2. Inform students of rules and responsibilities.
3. Responsible for recommending changes in policies.
4. Student and faculty handbook will be reviewed annually and reviewed if necessary.
5. Inform teachers of responsibilities, duties, policies and etc.

c. Student Awards and Programs:

1. Awards will be recommended by staff, principal will approve.
2. Graduation - Principal will recommend students that have satisfactorily met the requirements for graduation.
3. Responsible for planning award programs.
4. All financial matters cleared through the superintendent.

Staff Management

a. Teacher Evaluation and Supervision:

1. Visit and make recommendation as per school evaluation policies.
2. Confer with teacher to complete evaluation procedure.
3. Give testimony at hearings on evaluation procedures.
4. Report to the Superintendent in February on the status of each teacher as to achievement and performance in the form of a recommendation for reemployment or non-reemployment.

5. Retain evaluations for 1 year in the office, then transfer to storage for 4 years. May be destroyed after 5 years provided no litigation concerning employment terms is pending.

b. Teacher Materials:

1. Recommend all new materials for instruction
2. Give final approval to all requisitions by teachers

c. Staff Meetings:

1. Meet the respective staff as needed to resolve complaints, organize staff and in service meetings.
2. All extra duties not specified by contract should be taken care of by meeting or individually. (i.e. ticket taking)

d. Staff Communications:

1. Use bulletins to keep faculty informed.
2. Secure substitute teachers as needed.
3. Require lesson plans

e. Staff Year Ending Inventories:

1. Inventories - complete and accurate.
2. Final grades and student attendance.
3. Forms for summer address turned into business manager.
4. Requisitions - approved by principal.
5. All personal items cleared of building or stored appropriately.
6. All school materials accounted for and stored appropriately.

f. Staff Vacancies:

1. Principal assists in interviewing applicants, with final selection made from principals top three recommendations.

Office Management:

a. Secretary:

1. Secretarial help is provided.
2. Principal is responsible for secretary's duties.
3. Secretary may handle any duty assigned by their administrator. (Revised 12/99)

b. Permanent Records:

1. By law individual records on each student will be kept current.
2. Principal will request HS. Secretary will prepare and send all transcripts.
3. Reports to outside agencies kept current on matters of students and staff.
4. All permanent record files kept under lock and key.
5. Responsible for receiving permission from parent before records are permitted to be viewed by individuals.
6. Access to records by the teaching staff with a reasonable need to view.

c. Office:

1. Principal's office should not be used as a teacher's lounge.
2. Principal's telephone should not be used for personal calls.
3. A written log will be kept on all long distance calls.
4. Principal's office will be holding room for children that are ill, until parents can be contacted and arrive to pick up the child.

Buildings and Grounds:

a. Playground:

1. Responsible to report any needed repairs.
2. Responsible to report any hazards to students.
3. Require instructors to care for and store playground equipment.

4. Responsible to assign supervision of students during noon and recess usage of the playground.
- b. New Facilities or Remodeling:
 1. Recommend changes to superintendent as per better use of existing facilities.
 2. Recommend changes as to needs for any supporting additional building facilities.
- c. Fire Drills:
 1. Principal shall report on drills success or problems to the superintendent.
 2. Confer with High School Principal to see that fire and disaster drills are held as required by law. (See 5.2.1)
- d. Safety Programs:
 1. Responsible for initiating safety programs as they are needed.
 2. Programs can be on site or location (i.e. city streets)

News Media:

- a. Community Relations:
 1. Aid in preparing articles published in the school newspaper.
 2. Recommended that pertinent articles that promote the school be written for the local newspaper.
 3. Suggest public meetings with parents to discuss school problems.
- b. Advertising:
 1. Announcements of school activities will be handled through the principal's office.

NEPN Code: CF

Non-Resident Pupil

The entrance or leaving of any non-resident pupil shall be immediately reported to the business manager by the principal in charge.

NEPN Code: CG

Child Abuse

It shall be the responsibility of the administration to follow the state law and to provide in service training to staff on identification of abused children.

NEPN Code: CH

Assignment of Responsibility and Child Find Team

Administration responsibility for all special education programs for handicapped children is assigned to the Superintendent of Schools. The district's Child Find Team, under his/her direction, is responsible for the identification of handicapped children. All procedures shall be in accordance with federal and state requirements and effort to locate these children shall be through local newspaper and radio announcements.

An individual education plan determined by the placement committee for each child will be developed in accordance with the child's individual needs. The plan will provide for reevaluation of the child's needs, progress, and of the effectiveness of the program being offered in accordance with State Department of Education Rules and Regulations.

Note: For complete information on the service available to handicapped children and on the district's participation in "Project Child Find", a program designed to establish a systematic procedure for the identification of all handicapped children and youth between birth and the age of 21, please refer to the Administrative Handbook for Special Education.

NEPN Code: CI

Line of Authority

Line of authority for Timber Lake School District 20-3 is 1st - the School Board, 2nd - Superintendent, 3rd - High School Principal, and 4th - Elementary Principal. The Superintendent will designate three additional employees at the beginning of each school year to be in charge if all three administrators are absent from school at the same time. They will be designated in order of who is in charge from first to last. (Adopted Sept. 14, 1992)

NEPN Code: CJ

Patriotic and National Organizations

Representatives of Patriotic and National Organizations listed in Title 36 of the United States Code, as of July 1, 2018, shall be allowed to speak to students during regular school hours during the first quarter of each academic school year. The Patriotic and National Organization shall provide the school principal with verbal or written notice of the organizations desire to speak to the students to inform the students about the civic involvement of the organization, and to explain how students may participate in or join the patriotic organization. The school principal has discretion over the time, place, and manner when representatives of the organization are allowed to speak to students.

Examples of Patriotic and National Organizations include, but are not limited to:

- American Legion
- Boy Scouts of America
- Boys and Girls Club of America
- Future Farmers of America
- Girl Scouts of the United States of America
- Paralyzed Veterans of America
- Veterans of Foreign Wars of America

Adopted: 7/15/2020

Timber Lake School District	NEPN Code: CK
Policy Manual	

Search and Seizure – Students and Staff

All district property, including, but not limited to, real estate, buildings, offices, desks, storage areas, lockers, computer systems and equipment, voice-mail, and vehicles, is owned by the district or the district has a lease or agreement with another entity, and is intended for educational purposes, and district business, at all times.

Individuals using district-owned property (system users) shall have no expectation of privacy when using school property. The district reserves the right to monitor, inspect, copy, review and store (at any time and without notice) all usage of district property including computer and computer systems, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed and/or received through district computers and computer systems shall remain the property of the school district.

System users have no right of privacy and should have no expectation of privacy in materials sent, received, or stored in district-owned computers or on the district system or within the physical area of the district. School officials reserved the right to review district system/property use at any time to determine if such use meets the criteria set forth in school board policies and district regulations. Routine maintenance and monitoring of the system and physical plant may lead to the discovery that the user has or is violating district policy or law. Once a problem is discovered, an individual search may be conducted. The search/investigation will be reasonable and will be in keeping with the nature of the alleged misconduct.

Employees or students violating acceptable use of district property, or policy, may be subject to disciplinary action by the Superintendent or designee, depending on the nature of the violation.

Adopted: 8/11/21

NEPN Code: DA

5.0 GASB 34 POLICIES

BASIS OF ACCOUNTING:

The government-wide financial statements will be prepared using the economic resources measurement focus and the accrual basis of accounting as will the proprietary fund and fiduciary fund financial statements. Governmental fund financial statements will be reported using the current financial resources measurement focus and the modified accrual basis of accounting. (GASB 1600.103)

REVENUE AVAILABILITY CRITERION:

Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, our school considers revenues to be available if they are collected within zero (0) to sixty (60) days of the end of the current fiscal period. Property taxes are levied on an annual basis. On the fund financial statements, the portion of the property tax levies that have not been collected by the end of the fiscal year and are not available will be considered deferred revenue. (GASB 1600.106)

CAPITAL ASSETS:

Assets	Years	Depreciation	Capitalization
		Method	Amount
Land	N/A	N/A	All
Buildings	100	Straight Line	\$50,000
Improvement other			
Than buildings	15-25	straight Line	\$10,000
Equipment & Vehicles	5-20	Straight Line	\$ 200

(GASB 1400.102, 104)

OPERATING VS. NON-OPERATING REVENUES AND EXPENSES:

Our Food Service Fund distinguishes operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing goods relating to the food service operation. Principal operating revenues of this operation are meal charges. Non-operating revenues include grants, donated commodities and interest earned. Operating expenses of the food service operation include salaries and benefits, food purchases and depreciation. The loss on disposal of capital assets is a non-operating cost. (GASB P80.118)

GASB AND/OR FASB:

(Governmental accounting standards board or Financial accounting standards board)

Private sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both government-wide and proprietary fund financial statements to the extent that those standards do not conflict with or contradict guidance of the GASB. Governments also have the option of following subsequent private sector guidance for the business-type activities and enterprise funds, subject to the same limitation. Our entity has elected not to follow subsequent private sector guidance. (GASB P809.103)

CASH AND CASH EQUIVALENTS:

The school's cash and cash equivalents are considered to be cash on hand, demand deposits, and short term investments with original maturities of three months or less from the date of acquisition. (GASB 2450.105)

RESTRICTED AND UNRESTRICTED RESOURCES:

When both restricted and unrestricted resources are available for use, it is the school's policy to use restricted resources first, then unrestricted resources as they are needed.

(GASB 2300.106 (12))

Revised 7/11/2018

NEPN Code: DA

TIMBER LAKE SCHOOL DISTRICT ORGANZATIONAL CODE OF CONDUCT

ANTI-FRAUD PROGRAMS AND CONTROLS (SAS 99):

Adopted 10/08/2007

The school strives to design and implement a system and procedure that prevents and detects against fraud. The school also ensures a culture and environment that promotes honesty and ethical behavior by:

- 1) Striving to set the tone at the top
- 2) Creating a positive workplace environment
- 3) Hiring and promoting appropriate employees/coaches/advisors
- 4) Training – Class Officers – Accounting/Bookkeeping on Class Funds
- 5) Discipline – Timely transactions

Evaluating Anti-Fraud Processes and Controls

- 1) Identifying and measuring fraud risks
- 2) Mitigating fraud risks
- 3) Implementing and monitoring appropriate internal controls

Developing an Appropriate Oversight Process

- 1) Governing Board awareness
- 2) Managements role
- 3) Internal auditors
- 4) Independent auditors

The school and its employees must, at all times, comply with all applicable laws and regulations. The school will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates and bribery. The school does not permit any activity that fails to stand the closest possible public scrutiny.

Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their superior, who, if necessary, should seek legal advice.

GENERAL EMPLOYEE CONDUCT:

The school expects its employees to conduct themselves in a businesslike manner. Drinking, gambling, fighting, swearing and similar unprofessional activities are strictly prohibited while on the job.

Employees must not engage in sexual harassment, or conduct themselves in a way that could be construed as such, for example, by using inappropriate language, keeping or posting inappropriate materials in their work area, or accessing inappropriate materials on their computer.

CONFLICTS OF INTEREST:

The school expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the school. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage.

GIFTS, ENTERTAINMENT AND FAVORS:

Employees must not accept significant entertainment, gifts or personal favors that could, in any way, influence, or appear to influence, business decisions in favor of any person or organization with whom or with which the school has, or is likely to have, business dealings.

KICKBACKS AND SECRET COMMISSIONS:

The school strictly prohibits the acceptance of kickbacks and secret commissions from suppliers or others. Any breach of this rule will result in immediate suspension and prosecution to the fullest extent of the law.

SCHOOL DISTRICT RESOURCES:

Assets of the school are for school purposes only and not for personal benefit. This includes the personal use of organization assets, such as computers and other equipment.

ORGANIZATION RECORDS AND COMMUNICATIONS:

The employees responsible for accounting and recordkeeping must fully disclose and record all assets, liabilities or both, and must exercise diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind including false expense, attendance, financial or similar reports and statements.

PRIVACY AND CONFIDENTIALITY

Employees and members of the governing board should be aware of restrictions to public access in areas such as student records, special education and executive sessions.

Adopted 6/14/04

NEPN Code: DB

SCHOOL MEAL POLICY

It is the policy of the Timber Lake District that all school meals be paid in advance. The School Board will set prices for meals annually. A meal account balance notification for the family meal account is sent by mail twice a month for negative balances.

At the beginning and throughout the school year, families are to send money to the school to be deposited in their family account. Any deposit is acceptable; however larger payments (i.e. one month's payment) are encouraged. For budgeting purposes, a family could look at the annually set lunch amount and take that times 20 days (estimated number of school days per month) and send that payment monthly.

Meal prices will be posted and updated on Timber Lake School District 20-3 website.

- All family meal account balances must be maintained in Advance Payment status.
- The business office will communicate negative balances with the administration for any Employees with a negative balance due.
- If a family account is more than negative \$50.00, they will be turned over to collections.

Approved 11-14-2011

Revised: 10-11-2017

NEPN Code: DC

Seasons Tickets and Passes

1. Passes for athletic events may be issued at the discretion of the Superintendent to volunteer workers who do a lot of work for the school. Example: score keepers, timers, football announcers and football chain gang. Senior citizens age 62 and over may receive passes for all regular home activities, by requesting them from the school business office. The local clergy will be mailed passes for school activities.
2. Season passes for all regular home athletic events may be purchased starting in August. Cost for the passes will be \$40.00 for adult and \$20.00 for student. A record will be kept of persons purchasing them. A list of purchases will be given to ticket sellers & takers.

Revised: 07/15/2020

Revised 07/2007

NEPN Code: DD

Work Week Policy

The Timber Lake School District 20-3 adopted a seven (7) day work week for all non-certified employees commencing midnight 12:01 A.M. Sunday and ending midnight 11:59 P.M. Saturday. Time sheets are to be turned in and signed by the employee and the Business Manager.

NEPN Code: DE

Tuition SDCL 13-28-22

- a. All kindergarten, elementary, and secondary students not entitled to the free school privileges of the Timber Lake Public Schools shall be charged the legal rate of tuition as specified by State Law.
- b. Those students who must personally pay tuition or the parents and guardian of said students, shall pay in advance the annual or monthly legal amount of tuition; and if such student should cease to be a member of the Timber Lake Public Schools before the expiration of the term for which the tuition has been paid, the unearned portion of such tuition shall be refunded by the school board upon the presentation of proper voucher therefore. SDCL 13-28-24

Tuition - Out of District Assignments.

Policy will be to follow the law and take care of requests at a regular board meeting. (July 12, 1993)

NEPN Code: DF

Pooling of Funds

The district allows the pooling for all general funds, capital outlay funds, special education funds and special building funds to be deposited into one account. SDCL 4-5-8 (6/14/2004)

NEPN Code: DG

Interest Earned Policy:

The interest earned by each fund will be put in that individual fund except for the Unemployment fund, which will go back into the General Fund (6/11/2001)

NEPN CODE: DH

TIMBER LAKE SCHOOL DISTRICT 20-3

POLICY NAME: FEDERAL PROCUREMENT POLICY

Regulations: CFR 2; STATE AND LOCAL LAWS AND REGULATIONS

Procedures: The Timber Lake School 20-3 will purchase materials and supplies with Federal Program Funds in compliance with Federal regulations in Code of Federal Regulations Volume 2 state and local laws and regulations, using the procedures outlined on this and attached pages.

The procurement plan provides for free and open competition, transparency in transactions, comparability and documentation of all procurement activities.

Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Threshold
Micro-Purchase	Less than \$10,000
Small Purchase	Less than \$250,000
Formal Purchase	Greater than \$250,000
Formal Purchase/Services and Supplies	Greater than \$25,000
Capital Equipment/Not on Pre-Approved List	Greater than \$5,000

A. If the total amount of purchases exceeds small purchase threshold, the District will use formal procedures. Formal procedures can be Invitation for Sealed Bid or Request for Proposal. Formal procedures will be as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or product.
3. Advertise in a newspaper of general circulation.
4. Mail descriptions, instructions, and response documents to all potential bidders.
5. Open and tabulate responses and present to board of education in a public meeting.
6. Submit staff recommendation to the school board for award of contract.

B. If the purchases are not covered by Section A of this plan, these purchases shall be made by use of the applicable federal, state or local procedures.

If the amount of purchases for items is less than the micro-purchase threshold, the following procedure will be used:

1. **The aggregate dollar value of each transaction shall be less than the micro-purchase threshold above. Purchases will not be separated into 2 or more purchases to meet or be below the threshold.**
2. **Purchase prices shall be reasonable.**
3. **Micro-purchases shall be spread equitably among qualified suppliers. If the District is unable to spread purchases equitably, it shall document the reason why (example: the next grocery store is located 50 miles away: Micro-purchase Procedures Table attached as Attachment A).**

Small purchase procedure is as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or products.
3. Attempt to obtain price quotes from a minimum of three suppliers.
4. Prepare a price quote documentation sheet, and indicate the supplier who was awarded the quote and the length of time the price is set.
5. Submit documentation sheet for approval to Business Manager.

C. If it is necessary to make an emergency purchase to continue uninterrupted service, the purchase shall be made using noncompetitive negotiation. A log of all such purchases shall be maintained and reviewed monthly by the Business Manager. The log shall include the item name, dollar amount, vendor and reason for emergency.

D. All purchases will be conducted as follows:

1. The appropriate program director will requisition supplies and materials for site use. Requisition does not mean a form. It could be electronic, a preprinted form, or any method that leads to an efficient ordering system.
2. The appropriate program director will place orders based on prices that are established through an approved purchase method.
3. The appropriate program director will be responsible for tracking, checking in, accounting for all inventory, and receipting the products.
4. The appropriate program director will develop and interpret specifications/descriptions.
5. The appropriate program director will approve brand and quality substitutions prior to delivery.
6. The appropriate program director will issue requests for prices and receive the responses to the requests for prices.

E. Minority and Women's Businesses

The SFA will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

F. Buy American Provision

Section 104(d) amended Section 12(n) of the National School Lunch Act (NSLA) (42 U.S. 1760) to require SFAs participating in the NSLP and SBP in the United States to purchase for those programs, to the maximum extent practicable, domestic USDA Foods or products. For purposes of this provision, the term domestic food commodity or product means an agricultural commodity produced in the United States, including Guam, American Samoa, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands, and food products processed in the United States SUBSTANTIALLY using agricultural USDA Foods that are produced in the United States. For products procured by SFAs for use in the Child Nutrition Programs, the food component of the product is the agricultural commodity. FNS defines food component as one of the food groups which comprise reimbursable meals. The food components are: meats/meat alternates, grains, vegetables, fruits, and fluid milk.

All solicitations that involve the purchasing of a food component shall include a requirement that the SFA purchase domestic commodities to the maximum extent practicable and shall include procedures for limited exceptions. The SFA shall include following language in solicitations:

The Timber Lake School District 20-3 participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A 'domestic commodity or product' is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d).

Exceptions to the Buy American provision are very limited; however, an alternative or exception may be approved upon request. To be considered for an alternative or exception, the request must be submitted in writing to a designated official, a minimum of 3 day (s) in advance of delivery. The request must include the:

- (1) Alternative substitute(s) that are domestic and meet the required specifications:
 - (a) Price of the domestic food alternative substitute(s); and
 - (b) Availability of the domestic alternative substitute(s) in relation to the quantity ordered.
- (2) Reason for exception: limited/lack of availability or price (include price):
 - (a) Price of the domestic food product; and
 - (b) Price of the non-domestic product that meets the require specification of the domestic product.

G. All records shall be maintained for a period of three years plus the current year.

H. Code of Conduct

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by all Federal Programs. No employee of the Timber Lake School District 20-3 shall participate in selection or in the award or administration of a contract supported by Federal program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when a school district employee:

- Has a financial or other interest in the firm selected for the award;
- Is an employee, officer, or agent of the firm selected for the award;
- Has a member of the immediate family who is an employee, officer, or agent of the firm selected for the award;
- Has a financial interest in the firm selected for the award;

- Is about to be employed by the firm selected for the award; or
- Has a member of the immediate family who is about to be employed by the firm selected for award.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements or work, invitations for bids, requests for proposals, contract terms and conditions or other documents for use by the Federal program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for contract awards resulting from such procurements regardless of the procurement method used.

The Timber Lake School District 20-3 employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of material monetary value from contractors, potential contractors, or parties to sub-agreements.

The purchase during the school day of any service from a contractor for individual use is prohibited.

The removal of any supplies or materials on school property, such as official records and the like, is prohibited.

Failure of any employee to abide by the above stated code could result in a fine, or suspension, or both, or dismissal. Interpretation of the code will be given at any time by contacting the Superintendent at 605-865-3654. The Timber Lake School District 20-3 will not be responsible for any other explanation or interpretation which anyone presumes to make on behalf of the Board of Education.

I. Resolution of Controversies

1. Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the Superintendent.
2. The protest shall be in writing.
3. The protest shall be delivered within 10 days of the action which is being aggrieved.
4. A hearing will be scheduled within 15 days of receipt of the protest.
5. The proposed purchase will be delayed until the protest is resolved. In the event it is determined that the purchase is necessary, an emergency shall be declared by the Superintendent and emergency purchase procedures will be followed until protest resolution.
6. The decision of the Superintendent will be in writing and shall be delivered to the aggrieved supplier with proof of delivery required.
7. The aggrieved supplier shall be notified that an appeal of the Superintendent's decision is possible. The appeal request shall be written and addressed to the Board of Education.

J. Public access to procurement information

1. Procurement information shall be a public record to the extent provided in the State open records law.
2. All bids/offers shall be taken under advisement. Between the time an IFB/RFP (Invitation for Bid/Request for Proposal) is opened and awarded it may be viewed by any company or individual who entered a response to the proposed intent to purchase.
3. After acceptance, procurement information is available to the general public except as noted below:
 - Any supplier providing information as a part of a proposal or offer shall stamp each page which they consider proprietary information "Not for Public Release".
 - Should the school district receive a request to release this marked information, the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
 - In 10 working days, the party requesting the information shall be provided a copy of the court order or instructions on when to review the information.

For further questions, contact:

Superintendent 605-865-3655

Attachment A:

	MICROPURCHASING-PURCHASE PROCEDURES TABLE	
Store and Category (list what vendor is being used and what product, services or supplies will be purchased)	Justification (justification for using vendor)	Duration/Frequency (weekly, monthly, yearly, per purchase)
Small Town Grocery Store-Fresh Produce	We can buy what we need, when we need it and product is fresh. Can't order small enough quantities from vendors who deliver. Only grocery store in town. Next closest is 31 miles away.	Weekly

Revised 7/15/20

Policy adopted 3/20/2019

NEPN: DI

Credit Card Use and Electronic Transfers

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 office staff (business manager, superintendent and superintendent secretary) is authorized to use the credit card when scheduling travel by 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, 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 \$1000 without prior school board authorization. The Business Manager is not authorized to use the credit card for purchases greater than \$10,000 each.

Any cardholder benefits or revenue generated from the use of district-issued credit or purchase 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.

Approved: 8/15/2019

NEPN Code: EA

School Property - Legal SDCL 13-24-20

The building and properties of the school district shall be available for community use under conditions prescribed or permitted by law and in accordance with the adopted policies of the school board.

NEPN Code: EB

Definition of School Property SDCL 13-21-1, 13-14-5

- a. All buildings, grounds, and property - real or personal - owned by the school district, or any item of equipment or real property loaned or leased to the school board shall be deemed as school property by these rules and regulations.
- b. Any item of equipment or any real or personal property donated to the school district in general or to a particular school shall be considered as school property. No such gift maybe accepted by an individual in the name of the school without the understanding that the gift is unconditional and that the title for such property remains in the school district. The property may be sold or replaced with no obligation to the donor.

Use of School Facilities-General Policies and Rules

- a. Request for the use of public school facilities shall be made at the office of the superintendent, and must be reserved by an officer of the group or organization.
- b. Request for school facilities should be made not later than two weeks in advance. Cancellation or change in the use of the facilities should be submitted at least two days before date of use.
- c. Request for the use of grounds must be made in the same manner as described in a. and b.
- d. The use of school facilities will be granted only when a program or activities is suited to the available facilities and is of an educational, cultural, or civic nature.
- e. Groups to whom permission is granted are restricted to the dates, hours, and area specified.
- f. Organizations, such as the 4-H, Girls Scouts, Boys Scouts, Church sponsored groups, local community and not for profit groups are permitted to use the building free of charges.
- g. All groups using school facilities must be properly supervised by the sponsoring organization. The right is reserved by the school authorities to judge the adequacy of supervision.
- h. Sponsoring organizations are responsible for observance of fire and safety regulations of the Public Safety Department and the State of South Dakota at all times. The responsibility for any necessary precautions rest with the sponsoring group.
- i. Use of the school gymnasium does not include concessions.
- j. If in the natural act of the activity, the use of the kitchen is necessary, a school kitchen employee must be secured and compensated for time employed. Custodians will also be compensated for cleaning of the building. Compensation will be the responsibility of the organization using the facilities. Compensation must be at least minimum wage.
- k. All damages to school property will be the responsibility of the sponsoring organization.
- l. A request for the use of school facilities may be denied or canceled if any of the above rules are violated.

AGREEMENT

THIS AGREEMENT, made and entered into _____, _____, by and between Timber Lake School District 20-3, hereinafter referred to as Owner, and _____, hereinafter referred to as User:

That in consideration of the mutual benefit to both parties hereto, Owner hereby permits User to use and User hereby uses the following property of Owner for a term of _____:

Gym _____
School Bus _____
Mini Van _____
Classroom _____
Lunchroom _____
Kitchen _____
Other _____

In the event User uses the school bus, it is further understood and agreed that User will be obligated to use a Timber Lake School District bus driver. User is responsible to pay the bus driver.

It is further understood and agreed that User will be responsible to Owner for any and all damages, costs and attorney's fees for such use and occupancy. User agrees to return property in as good condition as when taken or used and to have the property cleaned and in as good condition as when used.

Dated _____, _____.

TIMBER LAKE SCHOOL DISTRICT 20-3

By _____
Superintendent

User

Music Instrument Rental/Form

Director reserves the right to reduce or waive any rental fee as he/she deems necessary. An example of when the fee would be waived: A student owns their own Alto Saxophone, however for the growth of the band and for better quality in the band the director asks that student to switch to a Baritone Saxophone (a school owned instrument). The student would not be required to pay the rental fee for that school year. If, however, that student decides to continue playing that school instrument the next year he/she may be asked to pay the rental fee. There are also occasions when the family cannot afford to pay the rental fee: in such cases after meeting with the persons or guardians the fee may be reduced or waived.

INSTRUMENT CHECK-OUT/RENTAL FORM: TIMBER LAKE SCHOOL BAND

The undersigned student hereby acknowledges receipt of the band property of the Timber Lake School Band, which is listed below.

In consideration for said property being thus issued to me, I do hereby agree:

- (1) To pay the rental fee of \$30.00 per year, or \$20.00 for a single semester to cover general maintenance on said property, and for which I am responsible.
- (2) To fully pay for any loss or damage to said property, and for which I am responsible.
- (3) To surrender to said Timber Lake School Band any property issued to me, as herein provided, at any time, upon notice to me, either by the Band Director or his/her assistants.

As a further consideration for said property being rented to me, I do hereby agree to attend band rehearsals regularly, and to faithfully discharge all duties required as a requisite to being a member of said band. I understand thoroughly that all the musical instruments and other property connected with the said musical organization belong to said Timber Lake Band, and same are subject to recall at any time, and that I hold my position in this organization on probation, and that violation of the rules and a lack of faithful and diligent discharge of the work assigned, on my part, subjects me to withdrawal of the property assigned.

_____ with case: No. _____

Timber Lake, South Dakota, Dated _____, _____.

Student

I guarantee the above agreement on the part of the student.

Parent or Guardian

Protection and Care of School Property SDCL 5-14-18, 25-5-15, 13-32-5

- a. It is the duty of each school employee to safeguard and protect the properties of the school district. Care shall be taken to see that windows and doors are properly secured before leaving the school building at the close of a day.
- b. Children shall be instructed in regard to the proper care of textbooks and supplies, and respect and regard for public property.
- c. All employees of the school district are responsible for the proper accounting of all property used by them either in the course of regular instruction or in any other situation where the school district is responsible or where any activity is conducted in the name of the school district. Employees are responsible for reporting damage, loss, or theft of any type of equipment to the principal, who shall report to the superintendent of schools to whom the school board hereby delegate's responsibility for matters relative to the care and safeguarding of all school property.
- d. Removal of school furniture and property from the building for private use shall not be done except on the direct written authorization of the Superintendent or Principal.

E .EMPLOYEES LEAVING THE SYSTEM:

All employees leaving the system must have their inventory checked and approved by their immediate supervisor. The employees exit check will be held by the Business Manager until final approval has been given by the immediate supervisor. Adopted 3/8/93

Qualifications for Appointments as Teacher

Administrative Rule 24:02:01:04, 24:03:05:01, SDCL 13-43-5

- a. To be eligible for an appointment as a teacher in the Timber Lake Public School, the applicant shall have a valid South Dakota teaching certificate or be qualified to receive one or apply for alternative certification. (Revised 12/99)
- b. All instructional personnel shall be holders of a valid state teaching certificate issued by the State of South Dakota.
- c. Recognition of special training and abilities of applicants shall be considered when employed for respective positions in their major fields or accepted minor fields.

Certification Administrative Rule 24:03:04:12

All instructional personnel shall have teaching certificates, duly recorded and a copy or original on file in the superintendent's office.

Assignment and Transfer

Each employee of the school shall be assigned to a specific position at the direction of the superintendent of schools. If it becomes necessary to transfer a teacher to a different position, the teacher(s) involved will be involved in the planning. Secondary teachers will teach in their preparation area, and elementary teachers will be assigned a grade level.

NEPN Code: FD

Staff Development Policy

In an effort to supply teachers with new methods and techniques and to add to their repertoire of skills, one or more days of in-service education and staff development will be provided annually preceding the opening of classes in the fall. (Revised 12/99)

Content materials for these hours will be developed with input from, and planning with the teaching staff. Additional in service days may be provided during the school year for staff and curriculum development as the need arises.

The Timber Lake School District is a member of the Northwest Area Schools. The NWAS provides in service for all instructional members in accordance with State Rules. The Timber Lake Staff will take part in the NWAS In service. In addition to the Northwest Area Schools In service the school shall provide additional workshops designed to improve the quality of education. These workshops shall be held on a as needed basis and based on availability of consultants.

Substitute Teachers may be requested to take part in some in service activities.

The Timber Lake Board of Education has a policy to allow individual teachers the opportunity to take professional leave to enhancing their professional achievement. This leave may be granted by the Superintendent and/or Board of Education.

NEPN Code: FE

Instructional Load

- a. The administration shall be responsible to the school board for the equitable distribution of work among the members of the staff.
- b. The school day shall be considered to be eight hours of duty in length, the actual period of time assigned for such duty hours shall be made by the principal and shall be adjusted to the needs of the school to which the teacher has been assigned.
- c. One class period may be set aside for preparation for class work, evaluation of pupil progress, pupil consultation, staff conference, etc. The board may waive the standard load in the best interest of education.
- d. It is the general policy of the school board that, so far as it is consistent with the best implementation of the school system, secondary school teachers shall not be required to teach more than three subject matter areas or make more than five preparations (exclusive of homeroom) unless more are necessary because of special curriculum problems or programs.
- e. Teachers are required to attend meetings called by the principal and general meetings called by the superintendent. In case of general meetings, dismissal time shall be designated by the superintendent.

- f. Teachers are expected to be in their assigned building at 7:45 A.M. and remain in school until 3:45 P.M., except when school is closed early by administrative decisions and on Friday's. In those instances, teachers will be dismissed when halls are clear. (Revised 8/12/15)
- g. Teachers are expected to serve on committees as necessary. Committee assignments will be made with consideration as to the work involved in each particular assignment and committee assignments will be distributed among the various member of the teaching staff insofar as possible.
- h. Extra duty assignments such as hall duty, noon duty, club and class sponsorships, etc., will be made by the principal of the school.
- i. Teachers will not be permitted to leave the school building to attend personal business, school business, or other reason without first receiving permission from the principal or Superintendent in charge. A teacher will not leave a regularly scheduled class or a scheduled activity unsupervised.
- j. All teachers sponsoring class, group, or organizational activity shall be present to supervise student behavior and will be responsible for student safety.

NEPN Code: FF

Sick Leave Plan - FOR CERTIFIED TEACHERS AND TEACHERS WITH AN AUTHORITY TO ACT:*

a. A first year teacher MAY be loaned five days sick leave at the beginning of the school year until the sick leave has been earned. This time will be deducted from the regular 10 day yearly benefit. (Revised 3/03)

b. Sick leave shall be accumulated at the rate of one day per month starting in August. During a year when school does not begin until September then two days shall be credited for the month of September in order to give credit for ten days per year.

Unused sick leave may be accumulated to a maximum of 60 days. If, after having accumulated the maximum sick leave credit, the balance is reduced below the allowable maximum by authorized sick leave, credit for sick leave will be resumed at the rate of (1) day per month until the maximum accumulation has again been reached. Days over 60 at the conclusion of the school year are paid at \$50 per day (2017 Negotiations)

c. Sick leave may be taken for personal illness as well as illness or death in the immediate family. Sick leave may not be taken for less than one half day. Teachers will be released last period of the day for doctor appointments with the consent of principal. Each teacher will be allowed (2) days of bereavement leave each year to attend funerals of persons not covered in this section. These days will be deducted from teacher's sick leave. 1 flex day is available within the two bereavement days. A flex day is within staff yearly sick leave, which is for Timber Lake School sponsored activities. The staff member must take 3 personal days prior to taking their flex day.

d. When accumulated sick leave days for a regularly appointed full time teacher or employee are exhausted, the teacher's or employee's name shall be dropped from the payroll until the employee returns to his/her designated job, after having received permission to do so by the superintendent of schools, who may refuse permission if the superintendent feels that teacher or employee is not physically or mentally capable of performing his/her normal duties. Any additional days absent, until additional sick leave is earned, will result in the teacher's salary being reduced 1/175 for each day absent.

e. Pregnancy leave of absence will be treated the same as any other medical related leave.

f. Sick leave - in case of maternity leave or emergency illness faculty may borrow against days allowed to them with Superintendent or Board approval.

g. Upon resignation or retirement, the employee will be paid out for any unused sick leave at the rate stated in teacher negotiations for the year. If an employee is dismissed from employment, the unused sick leave balance will not be paid.

NEPN Code: FG

Personal Leave Plan *

- a. The superintendent may grant short leaves of absence to employees for personal reasons. Personal leave is limited to five (5) days per year. No short leaves will be granted during the first week or the last two weeks of the school year, the last week of the first semester, the first week of the second semester, nor the day before or after a regular vacation unless granted by the Superintendent. Requests for this leave of absence for personal reasons shall be inaugurated through the principal of the employee involved or the Supt. of the employee involved. At least 24 hours' notice will be given.
- b. Additional short leaves may be granted at the discretion of the superintendent; however, the teacher's salary will be reduced by 1/175 for each day absent.
- c. A teacher may revert unused personal days to sick leave days or receive the rate stated in teacher negotiations for the year. This decision is to occur at the end of the school year.
- d. Upon willful termination, the employee will be paid out for any unused sick leave at the rate stated in teacher negotiations for the year.

Revised: 11-14-18

NEPN Code: FH

Staff Reduction Policy

Whenever in the judgment of the board it is advisable to reduce staff in the district, the board may consider the following, not necessarily in order of priority, and of which may be used in determining which staff members will be non-renewed: student need, financial condition of district, priority of programs, program elimination, recommendations of administrative staff, evaluation records, competency, qualifications, certification, longevity, educational background, continuing contract status, federal mandates, and any other relevant considerations.
(Revised 12/99)

NEPN Code: FI

Recall

For the purpose of this policy, the effective date of the layoff by reduction in force shall be June 30. If, during the first fiscal year subsequent to the time a continuing contract teacher is laid off because of reduction in staff and a vacancy occurs in the grade, subject areas and activities in which a laid off teacher had been teaching or is qualified to teach, reemployment shall be extended to the teacher in reverse order of lay-off. When more than one staff member has the same recall date and is qualified for the open position the board may consider, among other things, recommendation of administrative staff, qualifications, years of service and educational background in selecting the person to be hired. A recalled teacher shall retain previously accumulated sick leave benefits.

Recall privileges cease when a staff member resigns. Recall privileges will also cease if upon being recalled the staff members fails to report within twenty (20) calendar days after the mailing of a written notice of recall. Such notice shall be sent by certified mail to the last address furnished to the Superintendent by the staff member and the

20 day period shall commence to run on the day the notice is mailed. Recall privileges will not apply to teachers under contract with another school district unless that recall is for anticipated positions in the ensuing year. SDCL 13-43-6.4

NEPN Code: FJ

Jury Duty SDCL 16-13-41.2

In the event an employee of the Timber Lake School is called to jury duty, such employee will be paid his/her regular salary minus compensation received for such jury duty. Mileage and per diem payment received for such jury duty shall not be classified as deducted compensation. If the jury duty salary is more than the employee's regular salary, the employee may elect to keep the jury duty salary and forfeit his/ her regular salary.

NEPN Code: FK

Participation in Out of District Activities

In the event a teacher is requested to assist an out of district school activity such as a judge, timer, etc., the person may participate, upon approval of the superintendent.

NEPN Code: FL

Child Abuse

All employees shall be responsible to report suspected incidents of child abuse to the principal of their respective school.

NEPN Code: FM

Fire Extinguishers

Every teacher shall be familiar with the location of fire extinguishers in their building and shall be informed regarding the location and operation of fire alarms.

NEPN Code: FN

Probationary Contract Teacher - SDCL 13-43-6.3

13-43-6.3. Non-renewal of teacher's contract. Until a teacher is in or beyond the fourth consecutive term of employment as a teacher with the school district, a school board may or may not renew the teacher's contract. The superintendent or school board shall give written notice of non-renewal by April fifteenth but is not required to give further process or a reason for non-renewal. (Revised 12/99).

Continuing Contract Teacher SDCL 13-43-6.3

13-43-6.3. Non-renewal of teacher's contract. Until a teacher is in or beyond the fourth consecutive term of employment as a teacher with the school district, a school board may or may not renew the teacher's contract. The superintendent or school board shall give written notice of non-renewal by April fifteenth but is not required to give further process or a reason for non-renewal.

After a teacher is in or beyond the fourth consecutive term of employment as a teacher with the school district, SDCL 13-43-6.1 and 13-43-6.2 apply to any non-renewal of the teacher's contract. On or before April fifteenth, the school board shall notify the teacher in writing of its intention to not renew the teacher's contract.

Acceptance by the teacher of an offer from the district to enter into a new contract with the teacher shall be in the manner specified in the offer. Failure of the teacher to accept the offer in the manner specified shall result in the termination of the existing contract between the teacher and the district at the end of its term. (Revised 12/99)

NEPN Code: FP

Annual Contracts

- a. Teachers under contract with the school will be given contracts on a yearly basis until they meet the requirements for a continuing contract. SDCL 13-43-6.1
- b. SDCL 13-43-13 - Nothing in the sections FQ and FR shall be construed as, in any manner, repealing or limiting the operations of any existing law concerning dismissal of teachers for cause.
- c. The teachers will be paid on a twelve-month pay schedule. (Per IRS ruling, Board minutes 11-13-2007)
- d. Salaries will be paid on the 20th day of the month.

NEPN Code: FQ

Dismissal SDCL 13-43-15

The school board may dismiss any teacher at any time for violation of contract, gross immorality, incompetence, or flagrant neglect of duty.

NEPN Code: FR

Contract Renewal Policy

- a. It shall be the policy of the school board to consider the first three years as provided for the continuing contract law as a probationary period.
- b. With respect to the contracts of teachers who have been on the staff for more than three years, it shall be the policy of the board to renew such contracts as provided for by state law, and the rules and regulations of the board unless there is good and just cause for doing otherwise. Good and just cause is defined as (1) incompetence; (2) physical and/or mental disability, or sickness of any type which interferes with the performance of the duty; (3) insubordination, which shall be deemed to mean a willful refusal to obey the school laws of the State, the ruling of the State Board of Education, or the rules and regulations prescribed for the government of the schools of this district by the board; (4) neglect, disregard or non-performance of duty; (5) immorality; (6) dishonesty; (7) habitual intemperance; (8) drinking of alcoholic beverages during working hours; (9) failure to comply with the educational requirements herein provided; or (10) justifiable decrease in the number of teaching positions or other good and just cause.
- c. *If a teacher breaks or "jumps" a contract accepted under FP or FQ above without mutual agreement between the board and the teacher, the board may request the Sec. of Dept. of Education and Cultural Affairs to suspend the teacher's certificate. (Changed 9-11-2006)*
- d. It is hereby resolved that this contract may be terminated only by mutual consent of the contracting parties or by the statutory provisions of the laws of South Dakota. If no mutual consent as to termination exists and if the teacher initiates the termination of the contract prior to its termination date, Timber Lake School District reserves the right to pursue any remedies available by law. (Board minutes – 9/11/2006 page 2)

NEPN Code: FS

Resignation of Professional Staff Members

If a professional staff member intends to resign from his position, notice must be given to the Board at the time of contract renewal. Should a professional staff member resign at a time other than that of contract renewal, Board approval will be required to dissolve the contract. The professional staff member may be required to pay liquidation damages to be released. Legal ref.: SDCL 13-43-6 through 13-43-6.6 (Revised 12/99)

NEPN Code: FT

- a. Any employee who is injured in the line of duty shall receive such compensation and expenses as are prescribed by the Workman Compensation Law of the State of South Dakota.
- b. Such compensation shall be supplemented with an amount sufficient to maintain the employee's regular salary for a period not to exceed his/her sick leave reserve.
- c. Such sick leave reserve shall be charged only for the portion in excess of the compensation payment.

NEPN Code: FU

Salary of Teacher Placed on Probation

- a. A teacher on continuing contract whose work is not satisfactory may be placed on a year's probation upon the recommendation of the principal and approval of the superintendent who shall present the recommendation to the school board.
- b. Upon approval by the school board, written notice shall be given the teacher, such notice stating the points and/or reasons for being placed on probation, permitting the teacher access to the written records, an informal meeting with the principal to discuss the allegations, and the privilege to have hearing before the school board. This meeting must be sought within seven days from issuance of the notice, and the meeting with the board must be scheduled within seven days of the request by the teacher.
- c. If the board, after the meeting with the teacher, approves the recommendation, the teacher shall remain at the same step in the salary schedule as for the year just completed, and will receive the same salary as allowed under the current contract.

NEPN Code: FV

Political Activity Policy

Political affiliation or activity shall not be a factor in hiring, promotion, demotion, suspension, termination, or any other conditions and privileges or employment with Timber Lake School. School employees shall not use their school work time or school facilities to aid, encourage, or promote candidates for elected public office whether partisan or non-partisan.

Those employees whose employment is financed by loans or grants made by the United States or a federal agency may be subject to the provisions of the Federal Elections Campaign Act (the "Hatch" Act) regardless of when or where partisan election activities occur. This Act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to affect an election or nomination of a candidate; donations of items of value to an election fund, or becoming a candidate for office in a partisan election.

Nothing in this section shall prohibit any non-elective officer or employee in the School service from exercising his/her right as a citizen to express an opinion, cast a vote, or do any partisan or non-partisan political act not expressly prohibited herein. Questions relating to constitutional amendments, referendums, approval of state laws, and other issues of similar character are not specifically identified with a national or state political party.

An employee in the service of the school will not be obliged to, by reason of that employment, contribute to any political funds or collections or to render political service. Any employee refusing to contribute such funds or to

render such service may not be removed or otherwise disciplined or prejudiced for the refusal. An employee in the school cannot use their position to coerce the political action of a school or group.

Any Timber Lake School employee may:

1. Take an active part in political management or in political campaigns, except during that employee's assigned school working hours; and
2. Hold a political office which does not interfere with the normal performance of the employee's job responsibilities, except as prohibited by State or Constitutional Law.

In the case of any Timber Lake employee running for an elective public office, the following provisions shall apply:

1. A School employee who intends to be a candidate for political office or participate in other time consuming responsibilities connected with a governmental unit other than the school must notify the Department Head in writing as soon as practically possible.
2. Due to the wide variance in demands on time and the employee's differing job responsibilities, leaves of absence for the purpose of campaigning or holding political office shall be arranged with the Department Head.
3. The Department Head shall give the employee a written copy of any agreement reached regarding the employee's political and job responsibilities.
4. Employees who are granted a leave of absence for political activity may return to their previous employment with the school without loss of position or benefits following that absence.
5. These restrictions do not apply to incumbent school officials running for reelection to their own offices.

No campaign activities for a person or party, including but not limited to, petitioning, distributing literature and posting signs shall occur in and on school buildings. However, candidates may briefly circulate through offices to meet voters.

Petitions concerning issues may be circulated within school buildings, but only within 15 feet inside the main entrances to the buildings.

NEPN Code: FW

Fees and Royalties

- a. No employee may charge fees for any service rendered the pupil. Tutoring of pupils enrolled in one's own class for pay is prohibited.
- b. No employee may purchase any goods or equipment of any kind for sale to pupils or render any commercial service to the school system on a commission basis.

- c. Authorized sale of any merchandise to pupils shall be on a cost basis.
- d. No employee shall accept any compensation, free gift, or gift from any materials, supplies, or books purchased with school district funds. Any employee willfully guilty of doing this will be dismissed immediately. A free gift included with an order should be kept and used at the school.

NEPN Code: FX

Increments for Experience Outside District

At the discretion of the Board of Education, all teachers on the staff of the Timber Lake Schools and all teachers elected to the staff for the first time may be granted credit on the salary schedule for approved teaching experience outside the Timber Lake Schools. The amount of credit granted shall be determined by the Board of Education. (6-27-01).

NEPN Code: FY

Evaluation Policy

- a. The purpose of the evaluation shall be to improve instruction.
- b. Each teacher and administrator shall be evaluated. Teachers and administrators shall be evaluated a minimum of one (1) time a year. A teacher may be designated an *Individual Growth Plan* for one year, as the following year will consist of an evaluation, per SDCL 13-42-34.
- c. Evaluation shall be ongoing with drop-in and formal visits to the classroom.
- d. Teachers shall be evaluated in the following areas in accordance to SDCL:
 - 1. Planning and Preparation
 - 2. The Classroom Environment
 - 3. Instruction
 - 4. Professional responsibilities.
- e. The results of the evaluations will be twofold.
 - 1. To improve instruction
 - 2. To make an employment recommendation

Revised: 6/13/18

Revised: 8/11/14

NEPN Code: FZ

Conduct of Evaluation

Evaluation activities shall occur with the full knowledge of the evaluatee and conducted as follows:

1. The evaluation criteria in 24:08:05:03 shall be stated in writing. At the beginning of the evaluation period, the evaluatees shall receive copies of the policy adopted by persons who will evaluate them
2. Closed circuit television, public address systems, audio systems, or recording devices may be used only with the consent of the evaluatee.
3. The evaluation shall be in writing and acknowledged by the signatures of the evaluator and evaluatee. Such signatures do not denote agreement with the evaluation. The evaluatee shall receive a copy of all written evaluations. The evaluatee may make a demurral statement concerning any part of the evaluation with which the evaluatee disagrees and may attach the statement to the evaluation;
4. All candidates for employment by a school district shall be made aware that a written copy of the evaluation policy is available for their perusal.

NEPN Code: FAA

Evaluation Outcomes

A written recommendation shall be presented to the evaluatee as a result of the evaluation. The evaluator shall apprise the evaluatee of the final recommendation in a conference as soon as practicable.

Recommendations shall consist of one of the following:

1. Recommendation for continued employment;
2. Recommendation for continued employment with qualifications;
3. Recommendation for non-renewal.

NEPN Code: FAB

Use of School Vehicle (Approved 4-12-99) See Section ED for agreement.

- A. The general philosophy of the Board of Education is that transportation equipment purchased by the school district is to be used primarily for school purposes, and that taxpayers will not be expected to subsidize busing equipment or personnel not necessary for school district purposes. Nevertheless, it is the policy of the Board of Education to make available for use by appropriate community groups school transportation equipment to the extent that such use does not impinge upon/impair use for school district purposes.
- B. Employee Use of School Vehicle:
 1. Make reservation for use of the vehicle with the superintendent's secretary.
 2. Make sure that the vehicle is full of gas before you leave and when you return.
 3. Check the key out at the main office and return the key to the main office.
 4. The vehicle should be as clean inside when it is returned as it was when you took it.

5. No smoking in the vehicle.
6. Refusal of an employee to not use the school vehicle and to use employee's personal vehicle must be approved by the superintendent. The rate of mileage shall be at the state rate per mile or 5 cents per mile less if employee refuses school vehicle for school business.
7. Driver must have a valid driver's license.
8. Accidents must immediately be reported to law enforcement.
9. Employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle.

Grounds constituting sufficient cause for adverse action occurs when the employee:

- 1) is convicted of operating under the intoxicating influence of alcohol, narcotics, or pathogenic drugs;
- 2) is convicted of leaving the scene of an accident without making himself/herself known;
- 3) is not qualified to operate a school vehicle safely because of a physical or medical condition
- 4) State license is revoked or suspended.
- 5) Improperly operates the motor vehicle assigned to him/her.

NEPN Code: FAC

Travel Allowance

Travel allowance for all employees on school business shall be actual expenses for room and state rate for meals and mileage. To receive travel allowance for meals, you must stay overnight. (Approved 9-12-2005)

NEPN Code: FAD

EMPLOYEE GRIEVANCE PROCEDURE POLICY

I. Definitions

- a. A grievance is a complaint by a person or group of persons employed by the Timber Lake District 20-3, made either individually or by a duly recognized employee association through its representative, that there has been a violation, misinterpretation or inequitable application of any existing agreement, contract, policy, rule, practice, or procedure of the board. Negotiations for, or a disagreement over a nonexistent agreement, contract, policy, rule practice or procedure is not a "grievance".
- b. Non-renewal of contract is not a cause for "grievance".
- c. An "aggrieved person" is the person or group of persons making the claim.
- d. "Board" means the school board.
- e. "Days" shall mean calendar days unless otherwise specified.

- f. "Employee" as used in this policy is considered to apply to any person employed by the Timber Lake School District 20-3.
- g. "Party in interest" is the person or persons making the claim and/or any person who might be required to take action or against whom action might be taken in order to resolve the problem.

II. Purpose

- a. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which may from time to time arise between employees and the School District and to facilitate this purpose, these proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.
- b. Nothing herein contained shall be construed as limiting the rights of any employee having a grievance to discuss the matter informally with any appropriate member of the administration and having the grievance adjusted without the intervention of the employee association, provided the adjustment is not inconsistent with the terms of any settlement with the employee association then in effect. The employee or the administrator involved in the grievance may be represented by a representative at such an informal discussion only by the mutual consent of the employee and the appropriate member of the administration.

III. Time Limits

- a. It is important that grievances be processed as rapidly as possible and every effort should be made to expedite grievance procedure.
- b. If the employee does not file a grievance in writing with the immediate supervisor within thirty days after the employee knew, or should have known, of the act or condition on which the grievance is based, the grievance shall be considered as having been waived.

IV. Informal Procedures

- a. If an employee feels he/she has a grievance, he/she should first discuss the matter with his/her immediate supervisor, to whom he/she is directly responsible in an effort to resolve the problem.
- b. If, after such discussion with the supervisor, the employee is not satisfied with the disposition of the matter, he/she shall have the right to present the matter to and discuss it with the superintendent.

V. Formal Procedures

a. **Level One - Principal**

If an aggrieved person is not satisfied with the disposition of the problem through informal procedures, the employee may submit a claim in writing to his/her principal. The principal shall, within five days, render his/her decision and the reasons therefore in writing to the complainant. The principal shall keep on file a statistical summary of the number and types of grievances processed, included the names and details of the grievances.

b. **Level Two – Superintendent**

If the aggrieved person is not satisfied with the disposition of the grievance by the principal, or if no decision has been rendered within five days after presentation of the grievance in writing, the person may file a formal written grievance with the superintendent and the superintendent shall meet with the aggrieved person and a representative if the aggrieved person desires representation, for the purpose of considering the grievance. The superintendent shall within ten days of such meeting, render a decision and the reasons therefore in writing to the complainant.

c. **Level Three - School Board**

If the aggrieved person is not satisfied with the disposition of the grievance by the superintendent or if no decision has been rendered within ten days after conference with the superintendent, the aggrieved person may file the

grievance with the Timber Lake School Board (by filing with the Business Manager). The Timber Lake School District Board may appoint a committee and set a time and place for hearing. The committee shall consider the complaint and report to the Timber Lake School District Board at the next regular or special meeting. The aggrieved person, with a representative of his/her choice, if desired, may appear before the Board at such meeting. A decision of the board of such grievance shall be rendered in writing to the aggrieved person within ten days after such meeting.

d. Level Four

If the aggrieved person is not satisfied with the disposition of the grievance at Level three or, if no written decision has been rendered within the time period set forth in the preceding paragraph, he/she may, within ten (10) days after receipt of the written decision of the Board, or within ten (10) days of the day when the decision is due, whichever is earlier, appeal to the Department of Labor, pursuant to SDCL 3-18-15.2. The inclusion of this paragraph in this Grievance Procedure shall not constitute a waiver by either party of its rights to dispute and authority of the Department of Labor to hear the appeal and/or render any particular decision.

e. Level Five

All provisions as provided in SDCL 3-18-15.2

VI. Miscellaneous

- a. Any party or parties in interest shall appear and may, upon two days' notice in writing to the other party, have council present at formal levels.
- b. Meetings and hearings under this procedure shall not be conducted in public and shall include such parties and only such parties in interest and their designated or selected representatives heretofore referred to in this Grievance Procedure. The vote on the Board's decision on Level III grievances shall be made in open session.
- c. When it is necessary for a party or parties in interest to attend a board meeting or a hearing called during the working day, the Director shall so notify the party or parties in interest, immediate supervisor, and the party or parties in interest shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.

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Request for Settlement of Grievance

LEVEL ONE

(To be completed by aggrieved person)

Date of Presentation to Principal: _____

Name of Aggrieved Person: _____

Home Address: _____

School: _____

Principal: _____

NATURE OF GRIEVANCE:

SETTLEMENT REQUESTED:

SIGNED: _____
Aggrieved Person

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Reply to LEVEL ONE Grievance

Date Reply sent to Aggrieved Person:

Name of Aggrieved Person:

Home Address:

School:

Date of presentation of grievance of Principal:

Reply of Principal with Rationale:

Signed: _____
Principal

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Request for Settlement of Grievance

LEVEL TWO

Copies of Request for Settlement of Grievance LEVEL ONE and Reply must be attached.

Date of presentation to Superintendent:

Name of Aggrieved Person:

Home Address:

School:

Date of reply to LEVEL ONE Grievance:

State reasons for submission of grievance to LEVEL TWO:

Settlement requested:

Signed:

Aggrieved Person

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Reply to LEVEL TWO Grievance

Copies of Request for Settlement of Grievance LEVEL ONE and Reply must be attached.

Date Reply sent to Aggrieved Person: _

Name of Aggrieved Person:

Home Address:

School:

Date of submission of Grievance to Superintendent: _____

Decision of Superintendent with Rational:

—
Signed: _____
Superintendent

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Request for Settlement of Grievance

LEVEL THREE

Copies of all previous Requests for Settlement and Replies must be attached.

Date of submission to Business Manager:

Name of Aggrieved Person:

Home Address:

School: _____

Date of Rely of Superintendent to LEVEL TWO Grievance:

State Reason for submission of Grievance to LEVEL THREE:

Settlement Requested:

Signed: _____
Aggrieved Person

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Reply to LEVEL THREE Grievance

LEVEL THREE

Date Reply sent to Aggrieved Person:

Name of Aggrieved Person:

Home Address:

School:

Date of Submission of Grievance to Business Manager - LEVEL THREE:

Date of Hearing with School Board:

Decision of the School Board with Rationale:

Signed: _____
President of the Board

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WITHDRAWAL OF GRIEVANCE

Date of Withdrawal:

Name of Aggrieved Person:

Home Address:

School:

Present Level of Grievance (check one)

-----LEVEL ONE

-----LEVEL TWO

-----LEVEL THREE

Date on which Grievance was submitted at this Level: _____

Brief description of nature of Grievance:

—

—

Request for Withdrawal:

I hereby request that the above grievance be withdrawn from further consideration without prejudice or record. I acknowledge that I may not reopen this grievance.

Signed: _____
Aggrieved Person

Employee communicable diseases policy

The Board of Education recognizes its responsibility to provide a safe and healthy working environment for its employees. It is recognized that when working together in a school, employees may be exposed to a variety of communicable diseases which may affect their personal health or the health of fellow employees. The following policy will be utilized in determining the continued employment of an infected employee.

The Board of Education further recognizes the importance of protecting the privacy rights of employees who have a communicable disease. Therefore, the confidentiality of the infected employee will be protected in the following manner: health information related to the disease will be released only when the employee gives written permission, or if it is ordered to be released by the court. The information will be released only to those persons determined by the Superintendent to have a direct need to know.

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 building principal.

In situations where the decision requires additional knowledge and expertise, the employee's supervisor will refer the case to the Superintendent to determine the proper course of action. The Superintendent will be responsible for convening the advisory committee with a membership which will include the following:

1. The Superintendent
2. The School Health Coordinator
3. The building principal

The advisory committee, when appropriate, may also consult the following:

1. The South Dakota Communicable Disease Advisory Committee
2. The employee's personal physician
3. The employee and/or employee's representative
4. Other appropriate medical personnel as deemed necessary

The advisory committee shall consider the following in their deliberations:

1. The type and severity of the communicable disease
2. The guideline recommendation
3. The potential risk to the infected employee and other staff members
4. The expected type(s) of interaction with others in the school setting
5. The physical condition of the school employee

When determining appropriate action in regard to an employee with AIDS, the Advisory Committee will seek assistance from the S.D. Secretary of Health (605-773-3737)

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

Guidelines to be used in the administration of this policy have been written, and are to be used as a guide by the building principal and the advisory council in making decisions regarding continued employment or termination. Specific needs of individual cases will be addressed on a case by case basis.

Reference: S.D. Department of Health Memorandum, March 20, 1986.

Employee Communicable Disease Guidelines:

DISEASE EXCLUSION RULES

Acquired Immune Deficiency Syndrome (AIDS): Determination will be made by the Advisory Committee as outlined in the Communicable Disease Policy.

CHICKEN POX: The employee may attend work after all pox are dry and scabbed.

CYTOMEGALOVIRUS (CMV) SALIVARY GLAND VIRUSES: The employee may attend work. Precautions should be taken by 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 or transfer of infection.

GIARDIASIS (INTESTINAL PROTOZOAN INFECTION): The employee may attend work. Good hand washing in all cases should eliminate risk of transfer of infection.

HERPES SIMPLEX: The employee may attend work during an active case. Good hand washing in all cases should eliminate risk of transfer of infection.

IMPETIGO: The Employee may attend work if treatment is verified and covered or dry.

INFECTIOUS HEPATITIS: The employee may attend work as directed by the physician. Appropriate personal hygiene precautions should eliminate risk of transfer of infection.

MONO (INFECTIOUS MONONUCLEOSIS, GLANDULAR FEVER): The employee may attend work as directed by the physician.

PEDICULOSIS (LICE,"CRABS"): The employee may attend work after treat

PINK EYE (CONJUNCTIVITIS): The employee may attend work after the eye is no longer inflamed or under medical management.

RING WORM (SCALP, BODY, and ATHLETES FOOT): The employee may attend work if the area is under treatment and covered.

SCABIES (7 YEAR ITCH OR MITES): The employee may attend work after treatment.

STREPTOCOCCAL INFECTIONS (SCARLET FEVER, SCARLATINA, STREP THROAT):

The employee may attend work 24 hours after initiating oral antibiotic therapy, and is clinically well.

TUBERCULOSIS: The employee may attend work upon presentation of a physician's written permission.

All communicable and chronic disease must be reported to the Health Office.

Any questions pertaining to interpretation of these guidelines should be referred to school health personnel.

Revised: 8/12/21

Associated School Boards of South Dakota	NEPN Code: FAF
Policy Reference Manual	

As an applicant who is the subject of a national (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment), you have certain rights which are discussed below

Definitions

Authorized Persons: Individuals determined by the superintendent or designee to need access to or need to view criminal history record information in their official capacity with the district.

Criminal History Record Information (CHRI): A criminal history of an individual obtained through the South Dakota Division of Criminal Investigation (SDDCI) and/or the Federal Bureau of Investigation (FBI) using the individual's fingerprints. CHRI includes information on the arrest, detention, complaint, indictment or former criminal charge of an individual as well as the disposition of any charges. The FBI rules differ from the DCI rules regarding the disclosure of criminal history record information.

Criminal Justice Information Services (CJIS): The FBI's Criminal Justice Information Services Division, or CJIS, provides a range of state-of-the-art tools and services to law enforcement, national security and intelligence community partners, and the general public. Its purpose is to equip law enforcement, national security, and intelligence community partners with the criminal justice information needed to protect the United States and the public. The CJIS Division was established in 1992 to serve as the focal point and central repository for criminal justice information services in the FBI. It is the largest division in the FBI.

Local Agency Security Officer (LASO): liaison with SDDCI to ensure the agency is in compliance with security procedures. The LASO shall (1) maintain a list of users who have access to CHRI, (2) Identify and maintain a list of persons who are authorized to use the approved hardware, software and firmware to access CHRI and ensure no unauthorized individuals have access to this technology, (3) identify and document how the equipment is connected to the state system, (4) ensure that personnel security screening procedures are being followed, (5) ensure that approved and appropriate security measures are in place and working as expected, (6) promptly notify the SDDCI of any security incidents, and (7) support any district security audits.

Noncriminal Agency Coordinator (NAC): primary contact person for the District who serves as the liaison between the District and SD Division of Criminal Investigation, responsible for notifying SDDCI when a new employee starts or an employee leaves so SDDCI can keep CJIS Security training records current and such other duties as required.

Point of Contact (POC): District's contact person when SDDCI sends out Audit information, the contact person when an onsite Audit is scheduled.

Security Incident: An act of violating an explicit or implied security policy regarding CHRI including, but not limited to (1) attempts (either failed or successful) to gain unauthorized access to a system or its data, (2) unwanted disruption or denial of service, (3) the unauthorized use of a system for the processing or storage of data, and (4) changes to system hardware, firmware or software characteristics without the district's knowledge, instruction or consent.

Policy Statement

The District is committed to providing a safe learning and working environment. The District will require each person over eighteen years of age hired by the district, or who is a volunteer two or more times during the school year, to submit to a criminal background investigation, by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Also, any person who is employed by an entity which provides the District with student services shall be required to submit to a criminal background investigation. The district and its employees, officers and agents will only obtain CHRI when authorized by law and will only use CHRI, or the personally identifiable information first obtained by the district in CHRI, for the purposes of determining whether a person should be employed by the district.

In accordance with law and to protect the district's students, criminal background checks on persons who are employed in the district, who volunteer two or more times during the school year, or are employed by an entity which provides the District with student services shall be required. Examples of non-school entities which provide student services include but are not limited to food service and bus service contractors. The criminal background investigation shall be done by means of fingerprint checks by the Division of Criminal Investigation. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal

Investigation to the Federal Bureau of Investigation for a national criminal history record check. The district and district employees will comply with state and federal law, rules, procedures and policies regarding the receipt, use and dissemination of criminal history record information of any individual.

Designations

1. The Superintendent, as the Agency Representative, is responsible for signing the SD Division of Criminal Investigation (SDDCI) User Agreement on behalf of the District.
2. The Superintendent shall be the District's Point of Contact(POC) and Noncriminal Agency Coordinator (NAC) to act as the primary contact person for the District, shall serve as the liaison between the District and SD Division of Criminal Investigation, and will fulfill all responsibilities of the POC/NAC, including but not limited to being the contact person when SDDCI sends out Audit information, shall be the contact person when an onsite Audit is scheduled, and responsible for notifying SDDCI when a new employee starts or an employee leaves so SDDCI can keep CJIS Security training records current.
3. The Superintendent is designated to be the Local Agency Security Officer (LASO) to act as liaison with SDDCI to ensure the agency is in compliance with security procedures. The LASO shall be knowledgeable in CHRI, policies and mandated rules and regulations as well as knowledge of IT security procedures. The LASO shall actively represent the District in all matters pertaining to information security, dissemination of information security alerts and other material within the District, and responsible for contacting SDDCI if there has been misuse of CHRI.

Criminal Background Checks

1. Each person over eighteen years of age hired by the district, who is a volunteer two or more times during the school year, or is employed by an entity which provides the District with student services shall be required to submit to a criminal background investigation.
2. The school district shall submit completed fingerprint cards to the Division of Criminal Investigation before the prospective new employee or volunteer enters into service.
3. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal history record check.
4. The District shall pay any fees charged for the cost of fingerprinting or the criminal background investigation for any person whose employment with the District or status as a volunteer is subject to the requirements of this section.
5. Any person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school district is not required to submit to a criminal background investigation.
6. Any person whose employment or status as a volunteer is subject to the requirements of this section may enter into service on a temporary basis pending receipt of results of the criminal background investigation. The District may, without liability, withdraw its offer of employment or terminate the temporary employment or status as a volunteer without notice if the report reveals a disqualifying record.
7. The criminal investigation required by this section with respect to a student teacher completing requirements for teacher certification shall be conducted by the District, and the District may rely upon the results of that investigation for employment of that person as an employee of the district. Results of a criminal background investigation conducted by another South Dakota public school district of a student teacher, hired by the District, may be relied upon by the District.
8. A District employee who is employed simultaneously with another school district is only required to obtain one criminal background investigation, if the background investigation was conducted less than five years before the person was first employed by the District.
9. The District shall run a background check on employees of contractors that provide the district with student services. Examples of contractors which provide student services include but are not limited to food service and bus service contractors. The contractor shall be responsible for the cost of the criminal background check.
10. No person may be employed by the District, either directly or by contract, and no person employed by a contract provider and who would have direct student responsibilities may provide direct student services, if the person has been convicted of a crime of violence (murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact, felony child abuse, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device), sex crimes (including but are not limited to, rape, felony sexual contact with a minor under sixteen, sexual contact with a person incapable of consenting, possessing,

manufacturing, or distributing child pornography, and sexual exploitation of a minor), or distribution or trafficking in controlled substances or distribution of marijuana.

- a. The District may also refuse to employ a person who has been convicted of a crime involving moral turpitude. "Moral turpitude" is defined "an act done contrary to justice, honesty, principle, or good morals, as well as an act of baseness, vileness, or depravity in the private and social duties which a person owes to his fellow man or to society in general.
 - b. The District may consider any criminal conviction in making a hiring decision. The District has the sole and absolute discretion to determine whether the results of a criminal background investigation disqualify a person from employment within the District.
 - c. For purposes of this policy, the term conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere (no contest) in this state or any other state.
11. The District's employment application form shall inform applicants that if no SD statutorily disqualifying conviction is identified at the state level the fingerprints will be forwarded by the S.D. Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal history record check.
 12. The application form shall also inform applicants that if the applicant believes the criminal background result is incorrect or incomplete in any respect and the applicant wishes changes, corrections or updating of the alleged deficiency, the applicant should make application directly to the agency which contributed the questioned information or direct the applicant's challenge as to the accuracy or completeness of any entry on the applicant's record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306.
 13. Should an applicant be disqualified from employment due to the results of a criminal background check, the District shall inform the applicant that the criminal background check results prohibit the District from employing the person. The District will not delay the employment hiring decision solely because the applicant seeks to correct his or her FBI criminal history record information (CHRI).
 14. Before a person's conditional employment is terminated as a result of the person's CHRI, the District shall inform the person whose conditional employment is subject to termination that the criminal background report reveals a conviction which prohibits the District from employing the person, and inform the person of his or her right to appeal the accuracy or completeness of the CHRI to the SDDCI or FBI. Employees shall be afforded procedural due process consistent with their employment status (i.e., whether the person is an employee-at-will, a school-year employee, or a ten month or twelve month employee) should termination of conditional employment be a possibility following the District's receipt of the CHRI.
 15. All employees and other persons required to submit to a criminal background check pursuant to this policy must notify the district in writing if they are convicted of any offense of domestic violence, child abuse, sex offense, drug (including marijuana) or any felony offense. This notification must be made as soon as possible, but no later than five business days after the event.
 16. The District reserves the right to require any employee or volunteer to submit to additional criminal background checks at the district's expense. The district reserves the right to require any employee of an entity which provides the District with student services to submit to additional criminal background checks which shall be at the entity's or person's expense.
 17. As required by state law, SDCL 13-10-15, if, as the result of a criminal conviction the school board suspends an employee without pay, or an employee resigns, or an employee is terminated, the superintendent shall within ten days of the date of the suspension or the date the employment is severed report the circumstances and the name of the employee to the S.D. Department of Education.

Training

The District will ensure that all employees who have access to CHRI shall be trained by SDDCI on the rules and responsibilities for the confidentiality, receipt, use and dissemination of the CHRI.

Confidentiality

1. Before requesting CHRI on any individual, the district will give the individual written notification that his or her fingerprints will be used to obtain the CHRI of the individual, and the district will provide the individual a copy of the statement "Noncriminal Justice Applicant's Privacy Rights." Exhibit **GCDB-E(1)**.
2. Information received by the district pursuant to a criminal background check is confidential. Only authorized persons within the district may access, view or use CHRI. Authorized persons may not share or otherwise disclose information contained in CHRI to unauthorized persons unless explicitly allowed for in this procedure.
3. Unless otherwise allowed by law, the District will only use this information for the district's internal purposes in determining the suitability of an applicant, employee, or other worker on district property. The

district will note in an employee's or applicant's personnel file that the background check was completed and if the person was disqualified by the CHRI for employment or assignment. The District will keep the CHRI in a separate file in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the District.

4. Individuals that have access to CHRI will receive CJIS security training provided by SD DCI. Once the individual has completed the CJIS online training and has taken the test each individual will receive and acknowledge in writing the receipt of the following: (1) User Rules of Behavior Acknowledgement form, (2) CHRI Disciplinary Policy, and (3) Acknowledgment Statement of Misuse. The District will keep a copy of the signed documents in each individual's personnel file.

Access and Retention

1. The District may print or electronically share records when necessary to determine whether the person is authorized to work for the district. In those situations, the physical or electronic copy will be destroyed immediately after the decision is made.
2. If the District runs a background check on employees of a contractor that does business with the district, the district will not provide the CHRI to the contractor. Instead, the district will provide a clearance letter notifying the contractor whether the employee is cleared to provide services in the district.
3. The District will not disseminate CHRI across state lines.
4. Upon request the district will provide a copy of the SDDCI CHRI to the person who is the subject of the background check. The SDDCI CHRI will only be released to the individual and not to relatives, spouses or friends. The District will note in the dissemination log that a copy was provided to the individual.
5. FBI rules prohibit the District from providing a copy of the FBI CHRI to the person who is the subject of the criminal background check.
6. The results of the background investigation done by the District shall be transferred to another South Dakota public school district if the other public school district, or current District employee, submits a written request to the District that the results be transferred to the other public school district. The District employee who was the subject of the criminal background investigation must sign a written release authorizing the transfer. The information will be sent by U.S. Mail or encrypted email.

Recordkeeping

A Secondary Dissemination Log shall be maintained in which all authorized disseminations of FBI and State DCI criminal background check results are recorded. The following shall be recorded in the District's Secondary Dissemination Log:

1. name of District;
2. name of person subject to the criminal background check review;
3. date of birth of person subject to the criminal background check review;
4. SD public school district requesting FBI and DCI criminal background check results and person/title requesting on behalf of the SD public school district;
5. written request signed by person subject to the criminal background check review for a copy of the SDDCI criminal background check results, attached to the Secondary Dissemination Log; NOTE: FBI CHRI cannot be released to the person who is the subject of the criminal background check.
6. date of release of criminal background check results;
7. description of the record that was shared;
8. how the record was sent or received
9. person to whom criminal background check results were disseminated;
10. signature of District employee disseminating the criminal background check review pursuant to a valid request.

The Secondary Dissemination Log shall be maintained until the onsite audit is complete and the District receives from the SD Division of Criminal Investigation written notice of a successful Policy Compliance Review, unless the log is needed or required for other purposes

Security

The district will provide for the security of any CHRI received, including the appropriate administrative, technical and physical safeguards to provide for the security and confidentiality of the information. This includes, but is not limited to, the following:

1. The LASO shall maintain a list of school district authorized persons who have access to CHRI.
2. In those cases when the District has physical copies of CHRI, the District will restrict access to authorized persons only. Physical copies of CHRI, if any, will be maintained in a controlled, secure environment, such as a locked cabinet in a room that is free from public or unauthorized access. The room or the locked cabinet will include an "Authorized Personnel Only" sign.
3. The District will not routinely maintain electronic copies of CHRI; however, in the rare instance where the district has electronic copies of CHRI, the district will restrict access to authorized persons only. Electronic data will be protected with encryption as designated by the state or federal government or will only be accessible by individual password. Computers, printers and monitors used to access CHRI must be situated to prevent unauthorized viewing of the information. CHRI cannot be accessed using computers available to the general public or personal devices. CHRI will not be stored on a server that is unprotected or accessible by an unauthorized entity.
4. CHRI will not be relocated, transmitted or transported outside a secure location unless encrypted according to FBI standards or transported in a locked container or in folders where the information is not visible to the public. A log must be kept if electronic information systems, such as a laptop, flash drive or CD with CHRI information on it, leaves a secured area.
5. The District will dispose of records securely. Physical records will be cross-shredded or incinerated. If the district contracts out for record destruction, the destruction must be supervised. The District shall notify SDDCI of the entity with whom the District contracts for records destruction and must receive SDDCI approval to use the contractor for purposes of disposing of CHRI. Electronic records will be deleted and overwritten as required by the SDDCI or FBI.
6. The District will not provide auditors access to CHRI unless the auditor is authorized by the SDDCI or the FBI.

Security Incident Response Plan

All District employees will immediately report to the LASO information security incidents such as the theft or loss of physical records or the hacking or failure of electronic systems or suspicions that an incident has or will take place. The LASO will document receipt of all reports, investigate incidents and report incidents to SDDCI. LASO documentation will include (1) date of security incident, (2) location of security incident, (3) systems affected, (4) method of detection, (5) nature of security incident, (6) description of security incident, (7) actions taken/resolution, (8) current date, and (9) contact information for LASO.

Consequences

Employees who fail to keep background check results confidential or fail to follow this policy or any laws or rules regarding the access, receipt, use or dissemination of CHRI as required by law will be subject to disciplinary action up to and including termination. Unauthorized requests, receipts, release, interception, dissemination or discussion of CHRI may also result in criminal prosecution.

Notes: State law requires criminal background checks for all school employees over eighteen (18) years of age. School Districts may require background checks on other people such as volunteers and employees of independent contractors that provide student services for the District. This sample policy states that a volunteer must have a background check if the person volunteers two or more times during the school year. If the District chooses to require volunteers to have criminal background checks, the District would need to determine the number of times a person volunteers before a criminal background check is required.

*Additional Cross Reference: **GCDB-E(1)**: Criminal Background Checks - Noncriminal Justice Applicant's Privacy Rights.*

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CRIMINAL BACKGROUND CHECKS NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment), you have certain rights which are discussed below.

1. You must be provided written notification⁽¹⁾ that your fingerprints will be used to check the criminal history records of the FBI.
2. You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.⁽²⁾
3. If the FBI criminal background check reveals that you have a criminal history record, the officials making a determination of your suitability for the employment must provide you the opportunity to complete or challenge the accuracy of the information in the record.
4. The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁽³⁾

FBI rules prohibit the District from providing you a copy of the FBI record. You may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

⁽¹⁾ Written notification includes electronic notification, but excludes oral notification.

⁽²⁾ <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

Revised: 9/11/2019

Adopted: 9-13-2017

Timber Lake School District	NEPN Code: GA
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Substitute Teachers and Aides

- a. Substitute teachers are expected to comply with all the regulations governing regular teachers. They shall maintain the hours in the building as other teachers. They shall assume responsibility in management of building and grounds, and in extra-curricular activities, as directed by the principal.
- b. It shall be the duty of the substitute teacher to acquaint themselves with the duties required of them. In the performance of this duty, they shall always report to the principal before assuming charge of a classroom.
- c. In all cases, the notices to substitutes will be given from the office of the principal in the building where the substitute is needed.
- d. \$100 per day for the first four days as a substitute teacher, aid, or secretary; on the fifth consecutive day for the same teacher, aid, or secretary \$110.00 per day. Not retroactive.
- e. Saturday detention will receive \$15.00 per hour.

Revised: 07/15/2020

Revised: 9-13-17

NEPN Code: GB

General Requirements of Employment for Custodial Employees

- a. A new custodial employee is on probation the first six months. During this time, two evaluations are completed, one at the end of the third month, and the other at the end of the sixth month. Thereafter, an evaluation will be made once a year. However, an evaluation can be made any time, if deemed necessary.
- b. Custodian employees shall be employed full-time and shall be responsible for checking on the heating system and buildings during all holidays and weekends.
- c. Custodial employees shall be responsible to the superintendent of schools.
- d. Cafeteria and lunch room employees shall be directly responsible to the cafeteria manager. The cafeteria manager is responsible to the superintendent of schools.

NEPN Code: GC

Employment Procedures for Non-Certified Staff

A letter of application must be submitted to the superintendent of schools. A personal interview and references may be required. All non-certified staff are at-will-employees and are paid according to hours worked. At-will-employees and the employer may terminate employment at any time, with or without cause, by giving the other party three days written notice.

Revised: 7/15/20

NEPN Code: GD

Duties of Custodial Employees

- a. To keep all buildings and grounds in proper maintenance and appearance.
- b. Proper operation of ventilation, heating, and mechanical equipment.
- c. Each day school is in session, display the United States flag at the front of the building, maintaining proper flag etiquette at all times.
- d. Perform minor building maintenance and repair as directed by the superintendent of schools.

Cafeteria Employees Duties

The employees shall perform such duties in the selection of, preparation of, and serving of food as shall be assigned by the cafeteria manager.

NEPN Code: GF

Medical Examination

All custodians, aides, and cafeteria employees shall submit evidence of good health and observe the same rules and regulations relating thereto as are required of the instructional employees. Cafeteria workers must comply with state regulations concerning food handlers.

NEPN Code: GG

Suspension and Dismissal of Non-Instructional Employees

- a. At-will-employees and the employer may terminate employment at any time, with or without cause, by giving the other party three days written notice.
- b. Any person, whose employment is terminated, as provided in the policies, forfeits all accrued rights and privileges, including leaves and vacations.

Revised: 7/15/20

NEPN Code: GH

Vacation and Personal Leave

Non instructional permanent employees who are employed twelve (12) calendar months shall be granted annual or vacation leave at a rate of one (1) day per month. Permanent full-time employees with five years continuous employment shall earn one (1) additional day of vacation per year up to 15 days of vacation. Permanent full-time employees with 10 years of continuous employment shall earn one (1) additional day of vacation time, with a maximum vacation time of 16 days per year. Permanent full-time employees with 15 continuous years of employment shall earn an additional one (1) day of vacation time, with the maximum vacation time of seventeen (17) days per year. Vacation time can be accumulated to a total of four weeks. Prior approval must be obtained from the Superintendent at least 7 days in advance before vacation is taken. Vacation days will be paid out to the employee upon resignation or retirement at their current hourly rate. In the case of employee termination see policy 4.6 in regards to accrued rights and privileges.

Vacation leave will be accrued at the end of each and every monthly pay period according to the following schedule:

<u>YEAR COMPLETED</u>	<u>DAYS OF</u>
	VACATION 0 12
1 -----	12
2 -----	12
3 -----	12
4 -----	12
5 -----	12
6 -----	13
7 -----	14
8 -----	15
9 -----	15
10 -----	15
11 -----	16
12 -----	16
13 -----	16

Personal leave plan for all (10-month non-instructional) full time employees:

The superintendent may grant short leaves of absence to employees for personal reasons. Personal leave is limited to (5) five days per year. No short leaves will be granted during the first week or the last two weeks of the school year, the last week of the first semester, the first week of the second semester, or the day before or after a regular vacation unless granted by the superintendent. Requests for this leave of absence for personal reasons shall be inaugurated through the principal of the employee involved or the supt. of the employee involved. At least 24 hours notice will be given. Additional short leave may be granted at the discretion of the superintendent; however, the employee's salary will be reduced by their daily salary.

A classified employee may revert unused personal days to sick leave days or receive the board approved rate. This decision is to occur at the end of the school year.

Bus Drivers: Bus drivers will receive nine (9) days of leave to be used for any purpose. Bus Drivers shall not carry over any leave. Unused leave is paid out at \$85 a day.

Revised: 7/14/21

Revised: 11-14-18

Revised: 6-28-17

Approved 4-12-99

Holidays

- a. The school shall be closed in accordance with the official school calendar.
- b. The closing of school on any day other than regular vacation will be only by recommendation of the superintendent of schools to the school board, except in cases of emergency in which case the school board hereby delegates responsibility to the superintendent of schools.
- c. It shall be the policy of the Timber Lake School District 20-3 to strive to keep energy consumption to a minimum through conservation practices and procedures developed and implemented by the administration, and approved by the school board.

- d. The district provides the following days as paid holidays to all regular full-time employees who work twelve (12) consecutive months and who are paid on a hourly rate and generally work over 30 hours per week.

(Revised 01/00):

New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day.

When school is held on Veteran's Day, the day after Thanksgiving will be considered a paid holiday.

When a holiday falls on Sunday, the following Monday will be considered a paid holiday, and when a holiday falls on a Saturday, the preceding Friday will be considered a paid holiday providing school is not in session. When school is held on Veteran's Day, the day after Thanksgiving will be considered a paid holiday.

The District provides the following days as paid holidays to all regular full-time employees who work at least nine (9) but less than twelve (12) consecutive months and who are paid on a hourly rate and generally work over 30 hours per week, New Year's Day, Veteran's Day, Thanksgiving Day and Christmas Day. (Revised 01/00)

When school is held on Veteran's Day, the day after Thanksgiving will be considered a paid holiday.

When 9, 10, or 11 month employees are required to work before Labor Day or after Memorial Day they will receive Labor Day or Memorial Day as a paid holiday. All full time employees will receive his/her regular straight time hourly rate based on their regularly scheduled hours up to eight hours of pay for the paid holidays listed. All hourly employees when school is held on a paid holiday and employees are required to work that day, they will receive holiday pay in addition to their regular pay for that day.

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Sick Leave - for all full time employees.*

a. Sick leave allowances are available for all full time employees of the Timber Lake School. Sick leave is provided to give a reasonable amount of protection for employees and the district so that employees will not feel compelled to attend to duties when it is unwise to do so.

b. Sick leave shall be accumulated at the rate of one day per month starting in August. During a year when school does not begin until September then two days shall be credited for the month of September in order to give credit for ten days per year. Unused sick leave may be accumulated to a maximum of **60** days. If, after having accumulated the maximum sick leave credit, the balance is paid out at the rate of teacher negotiations for the year.

c. Sick leave may be taken for personal illness as well as illness or death in the immediate family. Sick leave may not be taken for less than one half day. Each employee will be allowed two days of bereavement leave each year to attend funerals of persons not covered in this section. These days will be deducted from employee's sick leave. 1 flex day is available within the two bereavement days. A flex day is within staff yearly sick leave, which is for Timber Lake School sponsored activities. The staff member must take 3 personal days prior to taking their flex day.

d. When accumulated sick leave days for a regularly appointed full-time employee are exhausted, the employee's name shall be dropped from the payroll.

e. An employee who is not able to return to duty on Monday following two weeks of illness may be required to present a certificate of ableness signed by the employee's physician to the superintendent of schools upon his/her return to work.

f. Twelve month employees may not use sick leave as vacation leave.

g. Pregnancy leave of absence will be treated the same as any other medical related leave.

h. Upon resignation or retirement, the employee will be paid out for any unused sick leave at the rate stated in teacher negotiations for the year. If an employee is dismissed from employment, the unused sick leave balance will not be paid.

i. A full-time employee is one that regularly works 30 hours or more per week and at least nine months per year.

Revised: 9/11/2019

Revised: 11-14-18

Updated: 9-13-17

NEPN Code: GK

Jury Duty SDCL 16-13-41.2

In the event an employee of the Timber Lake School is called to jury duty, such employee will be paid his/her regular salary minus compensation received for such jury duty. Mileage and per diem payment received for such jury duty shall not be classified as deducted compensation. If the jury duty salary is more than the employee's regular salary, the employee may elect to keep the jury duty salary and forfeit his/her regular salary.

NEPN Code: GL

Resignation of Non instructional or Non certified Staff

Resignation shall be in writing and filed with the superintendent at least two weeks prior to the effective date of resignation. Such notice may be waived under extenuating circumstances as determined by the superintendent.

NEPN Code: GM

Workman Compensation

Any employee who is injured in the line of duty shall receive such compensation and expenses as are prescribed by the Workman Compensation Law of the State of South Dakota. The employee will receive his/her regular wages for the number of days equal to his/her accumulated sick leave, after which he/she will receive the workmen compensation.

NEPN Code: GN

Payment of Salary

All employees shall receive their salary according to a time schedule established by the school board. Salaries will be paid by the 20th of the month.

Salary

All employees shall be paid according to the salary adopted by the school board

Revised: 07/15/2020

NEPN Code: GO

Football and Track Caretaker

- a. Keep the football field, track, and total complex in proper shape and appearance and other related duties.
- b. Job runs from approximately April through October.

Employee Duty

It shall be the duty of all employees to keep informed concerning the rules, policies, and regulations of the School Board.

NEPN Code: GQ

Civil Defense Radio Direction, Policy for Bus Drivers & Etc. (Revised 7-00)

There is a radio in Main Office and in the Superintendent's house. Both places will answer to the "Timber Lake School".

There is usually someone at or near the radio from the time the buses leave in the morning until they return. The same is true for the afternoon run. If you cannot reach them, try again in a few minutes. If after several tries at different intervals you cannot reach the school, try the following:

1. Try calling another one of our buses as your radio may not be working or you might be in a dead spot. The other bus can then contact the school.
2. Try calling the Dewey County Sheriff Office (241-A) or the Timber Lake City Police (242-A).
3. Other Civil Defense Units you can call are:

201-B Corson County Deputy Sheriff
Lemmon Civil Defense 531
Isabel Civil Defense
McLaughlin School
Dupree School

Thunder Hawk Civil Defense
Mobridge Civil Defense 631
KOLY
Timber Lake School
201-C McLaughlin Deputy Sheriff

Or make a general call to anyone that may hear you. You can ask them to land line the school at 865-3654 or Superintendent's home at 865-3130.

Employee communicable diseases policy

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

The determination of whether an employee who is or may be affected with a communicable disease 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 may request assistance from the following:

1. the State Department of Health, Center for Disease Control, or other experts;
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 following will be considered:

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

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

Information of an employee who has been identified as or suspected of having any reportable disease or condition will be reported to the State Department of Health.

If the potential for communicability is a factor, the public may be notified of the presence of the disease or condition and the possibility of transmittal or impact on others, if any. Information about the employee who is or may be affected with a communicable disease will not be revealed to the public. If the employee is permitted to remain in the school setting, the principal, will provide, as appropriate to school employees who have regular contact with the employee, as to the employee's medical condition and other factors needed for consideration in carrying out job responsibilities, to the State Department of Health, Center for Disease Control, or other experts.

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

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

Specific health concerns may require a determination to be made on school attendance or participation in school activities.

Employee Communicable Disease Guidelines:

STUDENT COMMUNICABLE DISEASE GUIDELINES

Students and faculty should be excluded from school activities for the following conditions:

- **Chicken pox (Varicella):** exclude until all lesions have dried and crusted or, in immunized children without crusts, until no new lesions appear within a 24-hour period.
- **COVID-19:** exclude based on current CDC, SD Department of Health guidance, and CRST Health guidance. see doh.sd.gov.
- **Diarrheal diseases:** exclude while symptomatic only if person is unable to practice independent hygiene.
- **Haemophilus influenzae type B, invasive (Hib):** exclude until after the child has been cleared by a physician.
- **HIV, Hepatitis B, Hepatitis C, and other bloodborne diseases:** generally no exclusion; considerations may exist if there is potential for bloodborne exposure. Consult healthcare provider for guidance.
- **Hepatitis A:** exclude until one week after onset of illness.
- **Influenza and Influenza-like illness:** exclude until fever has been absent for 24 hours in an unmedicated state. Additional exclusions may be necessary for documented novel strain or pandemic influenza based on SD Department of Health and CDC guidance.
- **Measles:** exclude until four days after onset of rash.
- **Meningococcal disease (Neisseria meningitidis):** exclude until after 24 hours of antibiotic treatment.
- **Methicillin-resistant Staphylococcus aureus (MRSA):** exclude only if confirmed MRSA is present from a wound in which drainage is occurring and cannot be covered and contained.
- **Mumps:** exclude until five days after the onset of parotid gland swelling.
- **Pertussis (Whooping cough):** exclude until completion of 5 days of appropriate antibiotic treatment. If appropriate antibiotic treatment is not received, exclude until 21 days after onset of cough.
- **Pink eye, head lice, ringworm, herpes gladiatorum, molluscum contagiosum, and skin rashes without fever:** generally no exclusion; considerations may exist for certain sports, extracurricular activities or behaviors that might increase risk of transmission. Consult healthcare provider for guidance.
- **Rubella:** exclude until seven days after onset of rash.
- **Scabies:** exclude until after treatment has started.
- **Shingles (Herpes zoster):** generally no exclusion if lesions can be covered. If lesions cannot be covered, exclude until rash or lesions have crusted over.
- **Strep throat and Streptococcal skin infections:** exclude until after 12 hours of antibiotic treatment.
- **Tuberculosis:** exclude until a physician, concurring with the SD Department of Health, states the child is not infectious.

All communicable and chronic disease must be reported to the Health Office.

Any questions pertaining to interpretation of these guidelines should be referred to school health personnel.

Revised: 8/12/2021

NEPN Code: GS

SUBSTITUTE TEACHER TRAINING POLICY AND HANDBOOK

Substitute teachers will be orientated, individually or collectively, in regard to school policy according to official board policy manual, teacher's manual, and the student/and or parent handbook.

Specific items which may not be covered in manuals such as schedules, taking roll, hall duty and use of certain school forms will be explained.

Each substitute teacher will receive orientation on and a copy of guidelines for substitute teachers, and a copy of the guidelines will be maintained in a folder by each teacher.

Each regular and special services staff shall maintain and have available a substitute teacher folder that contains information and procedures for the substitute teacher such as: Opening exercises, lunch, dismissal,

fire drill, discipline plans, daily schedule, seating charts, and information on students who attend special services and time schedule.

Substitute teachers will be appointed by the principal involved.

Whenever possible, the teacher and substitute should contact each other in regard to assignments and special instructions. If this is not possible the teacher will leave lesson plans in the office or by their desks accompanied by the Substitute Teacher Folder.

Substitute teachers can expect to receive the same courtesy and respect from students as the regular teacher in all situations. (Revised 07/00)

The substitute teacher's pay will be determined by the Board of Education.

Substitute teachers will be provided with a teacher's and student's handbook. It shall be the duty of the substitute teachers to acquaint themselves with the duties as stated by the handbooks. In the performance of this duty, they shall always report to the principal before assuming charge of a classroom for the first time. Substitute teachers are expected to comply with all the regulations governing regular teachers. They shall maintain the hours in the buildings as other teachers.

They shall assume responsibility in the management of building and grounds, and in extra-curricular activities, as directed by the principal. The substitute shall correct all papers accruing while on duty.

Guidelines for substitute teachers

The following are guidelines for substitute teachers in the Timber Lake School. The purpose is:

- (1) to help substitute teachers in our schools to be as effective as possible in the absence of the regular teacher;
 - (2) to help substitute teachers know what is expected in their role as a substitute teacher;
 - (3) to help the substitute teacher feel more comfortable in the school or classroom setting.
-
1. The Timber Lake School will abide with the substitute rules as described in Rule Number 24:03:05:07 and 24:03:05:08 of the Accreditation Standards.
 2. The administration will maintain a list of substitute teachers.
 3. Substitute teachers are to maintain an 8:00 A.M. - 3:40 P.M. schedule.
 4. Follow the teacher's lesson plans as closely as possible and other instructions on attendance, lunch and opening exercises, time to be in the classroom before school starts and noon hour, etc. Feel free to ask other teachers for assistance or to answer any questions you may have.
 5. Leave a note explaining what has been covered or presented from the teacher's plans for that day.
 6. Be aware of the Discipline Plan for your classroom and attempt to use this approach for behavior control when and if necessary.
 7. Leave a note on behavior problems encountered, if any, and the names of students.
 8. Leave a note if any unusual incidents occurred that the regular teacher should be aware of.
 9. Correct papers.

10. Each teacher will have a Substitute Teacher Folder with information and procedures for his/her classroom readily available on or in the teacher's desk.

11. Leave the room and desk orderly upon leaving for the day.

NEPN Code: GT

Work Week Policy

The Timber Lake School District 20-3 adopted a seven (7) day work week for all non-certified employees commencing midnight 12:01 A.M. Sunday and ending midnight 11:59 P.M. Saturday. Time sheets are to be turned in and signed by the employee and the Business Manager.

NEPN Code: GU

Child Abuse

All employees shall be responsible to report suspected incidents of child abuse to the principal of their respective school.

NEPN Code: GV

EMPLOYEE GRIEVANCE PROCEDURE POLICY

I. Definitions

- a. A grievance is a complaint by a person or group of persons employed by the Timber Lake District 20-3, made either individually or by a duly recognized employee association through its representative, that there has been a violation, misinterpretation or inequitable application of any existing agreement, contract, policy, rule, practice, or procedure of the board. Negotiations for, or a disagreement over a nonexistent agreement, contract, policy, rule practice or procedure is not a "grievance".
- b. Non-renewal of contract is not a cause for "grievance".
- c. An "aggrieved person" is the person or group of persons making the claim.
- d. "Board" means the school board.
- e. "Days" shall mean calendar days unless otherwise specified.

f. "Employee" as used in this policy is considered to apply to any person employed by the Timber Lake School District 20-3.

g. "Party in interest" is the person or persons making the claim and/or any person who might be required to take action or against whom action might be taken in order to resolve the problem.

II. Purpose

a. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which may from time to time arise between employees and the School District and to facilitate this purpose, these proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.

b. Nothing herein contained shall be construed as limiting the rights of any employee having a grievance to discuss the matter informally with any appropriate member of the administration and having the grievance adjusted without the intervention of the employee association, provided the adjustment is not inconsistent with the terms of any settlement with the employee association then in effect. The employee or the administrator involved in the grievance may be represented by a representative at such an informal discussion only by the mutual consent of the employee and the appropriate member of the administration.

III. Time Limits

a. It is important that grievances be processed as rapidly as possible and every effort should be made to expedite grievance procedure.

b. If the employee does not file a grievance in writing with the immediate supervisor within thirty days after the employee knew, or should have known, of the act or condition on which the grievance is based, the grievance shall be considered as having been waived.

IV. Informal Procedures

a. If an employee feels he/she has a grievance, he/she should first discuss the matter with his/her immediate supervisor, to whom he/she is directly responsible in an effort to resolve the problem.

b. If, after such discussion with the supervisor, the employee is not satisfied with the disposition of the matter, he/she shall have the right to present the matter to and discuss it with the superintendent.

V. Formal Procedures

a. Level One - Principal

If an aggrieved person is not satisfied with the disposition of the problem through informal procedures, the employee may submit a claim in writing to his/her principal. The principal shall, within five days, render his/her decision and the reasons therefore in writing to the complainant. The principal shall keep on file a statistical summary of the number and types of grievances processed, included the names and details of the grievances.

b. Level Two - Superintendent

If the aggrieved person is not satisfied with the disposition of the grievance by the principal, or if no decision has been rendered within five days after presentation of the grievance in writing, the person may file a formal written grievance with the superintendent and the superintendent shall meet with the aggrieved person and a representative if the aggrieved person desires representation, for the purpose of considering the grievance. The superintendent shall within ten days of such meeting, render a decision and the reasons therefore in writing to the complainant.

c. Level Three - School Board

If the aggrieved person is not satisfied with the disposition of the grievance by the superintendent or if no decision has been rendered within ten days after conference with the superintendent, the aggrieved person may file the grievance with the Timber Lake School Board (by filing with the Business Manager). The Timber Lake School District Board may appoint a committee and set a time and place for hearing. The committee shall consider the complaint and report to the Timber Lake School District Board at the next regular or special meeting. The aggrieved person, with a representative of his/her choice, if desired, may appear before the Board at such meeting. A decision of the board of such grievance shall be rendered in writing to the aggrieved person within ten days after such meeting.

d. Level Four

If the aggrieved person is not satisfied with the disposition of the grievance at Level three or, if no written decision has been rendered within the time period set forth in the preceding paragraph, he/she may, within ten (10) days after receipt of the written decision of the Board, or within ten (10) days of the day when the decision is due, whichever is earlier, appeal to the Department of Labor, pursuant to SDCL 3-18-15.2. The inclusion of this paragraph in this Grievance Procedure shall not constitute a waiver by either party of its rights to dispute and authority of the Department of Labor to hear the appeal and/or render any particular decision.

e. Level Five

All provisions as provided in SDCL 3-18-15.2

VI. Miscellaneous

- a. Any party or parties in interest shall appear and may, upon two days' notice in writing to the other party, have council present at formal levels.
- b. Meetings and hearings under this procedure shall not be conducted in public and shall include such parties and only such parties in interest and their designated or selected representatives heretofore referred to in this Grievance Procedure. The vote on the Board's decision on Level III grievances shall be made in open session.
- c. When it is necessary for a party or parties in interest to attend a board meeting or a hearing called during the working day, the Director shall so notify the party or parties in interest, immediate supervisor, and the party or parties in interest shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.

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Request for Settlement of Grievance

LEVEL ONE

(To be completed by aggrieved person)

Date of Presentation to Principal: _____

Name of Aggrieved Person: _____

Home Address:

School: _____

Principal: _____

NATURE OF GRIEVANCE:

SETTLEMENT REQUESTED:

SIGNED: _____
Aggrieved Person

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Reply to LEVEL ONE Grievance

Date Reply sent to Aggrieved Person:

Name of Aggrieved Person:

Home Address:

School:

Date of presentation of grievance of Principal:

Reply of Principal with Rationale:

Signed: _____
Principal

Copies of Request for Settlement of Grievance LEVEL ONE and Reply must be attached.

Date of presentation to Superintendent:

Name of Aggrieved Person:

Home Address:

School:

Date of reply to LEVEL ONE Grievance:

State reasons for submission of grievance to LEVEL TWO:

Settlement requested:

Signed: _____
Aggrieved Person

Reply to LEVEL TWO Grievance

Copies of Request for Settlement of Grievance LEVEL ONE and Reply must be attached.

Date Reply sent to Aggrieved Person:

Name of Aggrieved Person:

Home Address:

School:

—

Date of submission of Grievance to Superintendent:

Decision of Superintendent with Rational:

Signed: _____
Superintendent

Request for Settlement of Grievance

LEVEL THREE

Copies of all previous Requests for Settlement and Replies must be attached.

Date of submission to Business Manager:

Name of Aggrieved Person:

Home Address:

School: _____

Date of Rely of Superintendent to LEVEL TWO Grievance:

State Reason for submission of Grievance to LEVEL THREE:

Settlement Requested:

Signed: _____

Aggrieved Person

Page 6

Reply to LEVEL THREE Grievance

LEVEL THREE

Date Reply sent to Aggrieved Person:

Name of Aggrieved Person:

Home Address:

School:

Date of Submission of Grievance to Business Manager - LEVEL THREE:

Date of Hearing with School Board:

Decision of the School Board with Rationale:

Signed: _____

President of the Board

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WITHDRAWAL OF GRIEVANCE

Date of Withdrawal:

Name of Aggrieved Person:

Home Address:

School:

Present Level of Grievance (check one)

-----LEVEL ONE

-----LEVEL TWO

-----LEVEL THREE

Date on which Grievance was submitted at this Level: _____

Brief description of nature of Grievance:

Request for Withdrawal:

I hereby request that the above grievance be withdrawn from further consideration without prejudice or record. I acknowledge that I may not reopen this grievance.

Signed: _____

Aggrieved Person

NEPN Code: HA

Textbooks and Supplies SDCL 13-34-16

- a. It shall be the general policy of the school board to furnish textbooks, supplementary tests, and instructional materials necessary to implement the curriculum.
- b. Any student who produces an article for his/her personal use of ownership shall pay the cost of the material used.
- c. Damage to textbooks due to student carelessness, which tends to render the book useless or reduce its life expectancy, will warrant the student purchasing the book at cost.

NEPN Code: HB

Selection of Textbooks and Curriculum Development

- a. Committees of teachers will be appointed for the purpose of examining and recommending curriculum development, textbooks and supplementary texts in the several curricular areas. Recommendations by teachers and committees of teachers shall be submitted to the respective principal for review and recommendation to the superintendent of schools.
- b. Committees of teachers and principals will be used in developing and recommending curriculum to the superintendent and school board.

NEPN Code: HC

Adoption of Textbooks SDCL 13-8-39

Textbooks and supplementary books may be adopted by the school board upon recommendation of the superintendent.

NEPN Code: HD

Instructional Supplies

- a. On the date specified by the budget calendar, principals will submit to the superintendent their anticipated needs for instructional supplies and budgetary considerations for the ensuing school year.

NEPN Code: HE

Internet Safety Policy

The Timber Lake School District will educate all student about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. The Superintendent is delegated authority to implement these educational requirements.

NEPN Code: HF

Fire Drills and Disaster Drills

- a. A fire drill shall be held in each building at least twice a semester, and the report on such drills shall be filed by the custodian.
- b. Special instruction in fire drill procedure shall be given to students the first week of school and the first fire drill of the school year should be held during the first two weeks of school.
- c. Fire drills shall be held without warning and shall be varied in procedure to give the pupils the experience of different fire possibilities.
- d. Order rather than speed shall be stressed in fire drills. Definite instructions shall be furnished to teachers and pupils as to route and manner of exit during fire drills by the school principal.
- e. A tornado or disaster drill shall be held twice a year.

NEPN Code: HG

Private Teaching in Schools

Public school buildings may not be used for private teaching for which tuition charge is made either by staff members employed by the school district or by any other outside agency, or persons without the express permission of the superintendent of schools.

NEPN Code: HH

Sectarian Instruction SDCL 13-33-9

Sectarian instruction of any kind is prohibited in the school.

NEPN Code: HI

Programs for Handicapped Children

In keeping with the philosophy that a public school system is responsible for the education of all children within the community, and to further provide programs and services designed to meet the individual needs of handicapped children.

Seeking out young children with handicapping conditions 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 handicaps can be educated in the regular school program if they are given special instruction, accommodations, and support they need. These children should also be given opportunity to participate in the school's nonacademic and extracurricular activities.

However, the Board recognized that the needs of certain children are so great that special programs, special classes, or special schools may be necessary. When appropriate programs, services, or facilities are not possible within the district's schools, the district will provide these children with access to public 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 handicaps. Parents must be informed, and conferred with, whenever a child is referred for diagnosis of learning disability or other handicap. In 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 if possible to work with the handicapped children. Since the financial commitment necessary to meet the needs of all handicapped children is extensive, the Board will exert every effort to obtain financial assistance from all sources.

No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program or activity. A district may not restrict access for students with disabilities to schools, programs, services and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Section 504 and ADA Title II

are based on the premise that students with disabilities will be integrated with their non-disabled peers as much as possible. (Section 504: 34 CFR 104.4(a), Title II: 28 CFR 35.130(a), Guidelines IV-N) Contact person is Julie Marshall, Timber Lake School, PO Box 1000, Timber Lake SD 57656, 605-865-3654.

NEPN Code: HJ

Referring Procedure for Children in Need of Special or Prolonged Assistance

a. Instructional Staff

When a teacher becomes aware that a student in his/her class is not achieving at a normal rate, and she/he feels the child needs assistance through special education or remedial work, teacher should notify parent or parents and should fill out a referral form and submit it to his/her principal. (Revised 07/00)

b. Parent

When a parent feels that their child is not achieving normally in school, the parent should approach the school teacher and discuss the problem. If the parent feels the child needs special assistance, they should fill out and submit a referral form to the principal. (Revised 07/00)

c. Principal

Upon receiving a referral form from a teacher or parent, the Education Team (Principal, Special Education instructor, classroom teacher and guidance counselor) shall evaluate the child's classroom work, work skills, classroom diagnostic test scores, SRA test scores and any other information deemed important. Upon completing this evaluation the Education Team will decide if the child will be recommended for special assistance. If the Education Team refuses to recommend the child, their decision may be appealed to the Superintendent of Schools. If the Education Team determines that the child needs assistance, a recommendation will be made to the superintendent along with evidence to support the recommendation.

d. Superintendent of Schools

Upon being notified by the Education Team that the teacher or parent is appealing their decision regarding special assistance or when notified by the Education Team that they are recommending the child receive special assistance, the superintendent shall review all available data, hold hearings with the teacher of the child and the child's parents before making a decision.

The Superintendent has three options:

1. Disapprove the request.

2. Approve diagnostic testing by the special education and/or remedial staff and/or speech and hearing testing by the speech therapist.
3. Approve the request.

In the event #1 above is chosen, the decision may be appealed to the Timber Lake Board of Education.

In the event #2 above is chosen, the superintendent will make arrangements for testing, and upon reviewing the results of the tests, will discuss the results with staff members involved. Upon information obtained from the tests results and staff discussions, the superintendent will approve or disapprove the request. If disapproved, the decision may be appealed to the Timber Lake School Districts Board of Education. If approved, the superintendent will make arrangements for psychological testing.

In the event #3 above is chosen, the superintendent will make arrangements for psychological testing.

e. Board of Education

If an appeal to the Board of Education is requested, the superintendent will notify the president of the board who will call a meeting to hear the appeal within seven (7) days. If the board refuses the request, an appeal may be brought to the Department of Education and Cultural Affairs, Pierre, SD. If the board approves the request, the superintendent will make arrangements for psychological testing.

Contact information is Office for Civil Rights, Kansas City Office, US Department of Education, 8930 Ward Parkway Suite 2037, Kansas City MO, 64114-3302, Telephone 816-268-0550, Fax 816-823-1404, TDD 877-521-2172, Email OCR.KansasCity@ed.gov

NEPN Code: HK

STUDENT FUND-RAISING ACTIVITIES

Money drives will not be encouraged unless there is justification for purpose and the need is adequate.

Justified fund-raising 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.

No project will be allowed that will involve the servitude of an individual.

There will be no solicitation of donations of any kind from students.

All food fundraisers can begin at 4:00pm and end at midnight.

A categorical, itemized accounting of money raised at school or in connection with the school other than money deposited in the extracurricular account which is the responsibility of the sponsor/faculty member, will be submitted by the sponsor/faculty member to the business manager, to be filed with the district financial records.

Adopted: 12-14-16

NEPN Code: HK-E (1)

FUNDRAISER APPROVAL FORM

Please complete the following to inform all interested of proposed fundraiser.

Program Sponsoring the Fundraiser: _____

Name of Advisor(s): _____

Starting Date: _____

Completion Date: _____

What Is To Be Sold For The Fundraiser: _____

No fundraisers will start until approval is granted by all listed below.

_____ Advisor or Coach Date: _____

_____ Principal or AD Date: _____

_____ Superintendent Date: _____

_____ Business Manager Date: _____

Adopted: 12/14/2016

NEPN Code: IA

GENERAL ATTENDANCE

Under South Dakota law, a child who is at least six (6) years old by the first day of September, but who has not exceeded the age of eighteen (18) is of compulsory school age. It is the responsibility of every person having under their control a child between those ages to see to the child's attendance at school, either public, nonpublic, or alternative instruction, until the child has reached the age of eighteen (18), unless excused.

All children shall attend kindergarten prior to age seven. 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 who does not see to the school attendance or alternate instruction of a child in their care may be guilty of a misdemeanor and if convicted, may be subject to a fine as established by law.

No student will be denied the right of attending school without due process of law.

SCHOOL-BASED GED PROGRAM

Students enrolled in high school may be eligible for a school-based GED preparatory program if they meet the following criteria:

- Sixteen or seventeen years of age, and
- The student must present written permission from the student'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 to January 1, 2009.

Revised: 10/13/2021

NEPN Code: IB

TIMBER LAKE SCHOOL ATTENDANCE POLICY *Revised 7/00*

1. Students enrolled at the Timber Lake School are expected to attend regularly in order to receive a proper education. It is important that they achieve a good attendance record.

After each absence, students must return with a written excuse, signed by a parent or guardian, stating the reason why the absence occurred. The parent or guardian may call the principal instead of writing an excuse.

Students who accumulate unexcused absences in excess of 8 days in a semester will be required to attend Saturday school/detention for each day absent after the 8th day. The detention will take place at the school from 8:00 a.m. - 12:00 p.m. Students that are absent for one half a day after the allowable 8 will be required to attend Saturday school/detention from 8:00 a.m. - 10:00 a.m. Students who are hospitalized, sick, or disabled, may be granted an exception. The days hospitalized, sick, or disabled will not count toward the 8 days.

(Added 8/04) After absences have accumulated to 8 days, parents/guardians will be notified of the student's situation and reminded of the consequences of exceeding 8 days of absence. When absences exceed eight cumulative days, the administration will closely scrutinize the circumstances of the student and/or family situation to determine credibility of absences, and how the excuses or unexcused absence(s) may potentially affect the student's academic credit(s) or grade level.

Exceptions may be granted by the Administration but only in the most extreme situations.

2. Excused absence definition:
 - a. Reasons requiring a doctor's written statement.
 - b. Attendance at funerals.
 - c. College visits (2 days per year)
3. Parents will be notified by phone or mail when a student has been absent two consecutive school days. It is recommended that principals keep a log of these calls.

NEPN Code: IC

Dress Code for Students (Approved 8/9/99) (Revised 7/07)

1. The daily dress of students shall be neat and appropriate. Each student is expected to exercise good judgment and cooperation in helping to present a positive image of Timber Lake School to the public. Items students will avoid, these items are unacceptable:
 - Suggestive descriptions, images or slogans on caps, T-shirts, jackets and other articles of clothing that advertise or suggest the use of alcohol, drugs, tobacco or sex.
 - Shirts which allow the midriff to be bare.
2. In addition:
 - Caps are not to be worn inside the school building during school hours.
 - Shirts must have sleeves (no cutoffs, tank tops, spaghetti straps, halter tops, etc.)
 - Shorts and skirts must be of appropriate length as determined by administration.
3. It will be the responsibility of the building principal to determine violations of the intent to this policy and to take necessary corrective action.

NEPN Code: ID

HOMEWORK POLICY

Each building will address homework policy through their handbooks.

Revised 7/15/20

Revised 7/00

NEPN Code: IE

Safety of Bus Students

Information for parents of bus students:

In case of inclement weather (this decision will be up to the judgment of the bus driver after the driver consults with the school) it is the school's policy that students who walk home from their bus stop must be picked up by a parent or parent designee.

If no one is there to pick up the students, they will be returned to the school and their parents or parent's designee may pick them up at the Timber Lake School.

It is one of the bus driver's responsibilities to look out for the safety of the students.

Approved 9/10/2001

NEPN Code: IF

School Bus Behavior Problem Policy (Revised 07/00)

1. Bus Driver will bring any and all students that are involved in a problem or cause a problem to the superintendent's office or the respective principal's office.
 - A. Within 36 hours the administration will notify the parents of the infraction or problem.
 - B. Notification may be by phone, or in writing.
2. The second time a student has a behavior problem the superintendent's office will notify the student's parent, parents, or guardian in writing to meet with the principal and superintendent within five (5) working days. In the event the parent, parents, or guardian do not contact the superintendent's office for a meeting date, the student will not be permitted to ride the bus until the meeting is held.
3. The third time a student has been found to be a problem or to have caused a problem, they will not be allowed to ride the bus for five (5) days. The superintendent's office will notify the student's parent, parents or guardian in writing of the problem. Their parent, parents, or guardian will have to meet with the principal and superintendent to discuss the problem before they will be allowed to ride the bus again.
4. The fourth time a student has been found to be a problem or to have caused a problem, they will not be allowed to ride the bus until the parents meet with the school board at its regular meeting to decide if the student or students will or should be allowed to ride the bus again. The school board will have the final decision if the student or students should be allowed to ride the bus.
5. It will be the parent's responsibility to transport their students to school when they are not allowed to ride the bus.

Final Adoption 1-11-93

NEPN Code: IG

Bus Policy for Student Activities

Students riding the bus to school activities are expected to return to Timber Lake on the bus. Exceptions are as follows:

1. Students may be released from the bus to their parents; and/or legal guardian at the parents verbal and written request. The official in charge should keep this request for his or her own protection.
2. Students may be released from the bus (to another responsible party) if they have prior written and verbal permission from parents and prior approval by a school administrator. It is emphasized that the approval must be obtained prior to the trip. The administrator will have the sole responsibility and authority to decide if the purpose of the release is a necessity.
3. Sixth (6th) grade and younger students riding rooter (fan) buses must be accompanied by a parent or guardian. Other adults shall be allowed to ride rooter (fan) buses on a space available basis.

NEPN Code: IH

Policy for Bus Students on Regular Route.

Parents may feel that it may be necessary to have their student(s) dropped off at a neighbor, friends, or may want a neighbor or friend to pick their student(s) up at a different time or place than usual.

The following is necessary due to the many recommendations and requirements in regard to the liability involved for the bus drivers and the school.

1. Write a letter addressed to the supt. and bus driver stating what they would like to have us do and state that they are giving us permission to do.(Example - Bus breaks down, their road blocked, or parent did not get back home when they planned. State who they may be left with and who may pick them up).
2. Please state the period of time and situation(s) the letter is for. (Example - For the 2004-2005 school year, or Jan., Feb., March of 2005.) Also please sign the letter.

NEPN Code: II

Dangerous Weapons in the Schools Legal ref.: SDCL 13-32-7; 22-1-2 *

Schools should be an example of what is required regarding the observance and respect for law in society at large. Schools also must be highly conscious of the health, safety and welfare of students, staff, and the public.

State and federal law as well as board policy forbids the bringing of dangerous and/or illegal weapons to school or school sponsored activities. Dangerous weapons taken from pupils shall be reported to the pupil's parents. Confiscation of weapons may be reported to the police. Appropriate disciplinary and /or legal action shall be pursued by the building principal.

A dangerous and/or deadly weapon is defined as any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm.

No firearms are permitted on any school premises, school vehicle or any vehicle used for school purposes, in any school building or other building or premises used for school functions. An exception would be weapons under the control of law enforcement personnel, starting guns while in use at athletic events, firearms or air guns at fire ranges, gun shows, and supervised school training sessions for the use of firearms.

Any student bringing a firearm to school shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The chief executive officer/superintendent shall have the authority to recommend to the school board that this expulsion requirement be modified on a case/by/case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504. For the purpose of this portion 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. (Adoption date: 10-14-96)

NEPN Code: IJ

Dismissal of Pupils

- a. Neither school nor classroom will be dismissed before the regular hour for dismissal except with the approval of the superintendent of schools.
- b. No teacher may permit any individual pupil to leave school prior to the regular hour of dismissal. Students must receive this permission from the principal or superintendent of schools.
- c. No pupil may be permitted to leave school prior to the dismissal hour at the request of or in the company of anyone other than a school employee, or parent of the child unless the permission of the parent has been first secured in writing. If any police or court official requests the dismissal of a pupil during school hours, he must have a warrant or written request by the child's parents before the student is dismissed.

NEPN Code: IK

Pupil Interview (Adopted 11/9/98)

- a. Individual pupils may not be interviewed without parental notification by any person, except an employee of the school board, without the approval of an administrator.
- b. No administrator shall grant a student interview unless the parents are notified and he/she deems it essential to the welfare of the child or as may be required by court order or law.
(b.) is subject to (a.) above.
- c. The principal or some other appropriate administrative employee shall be present.

NEPN Code: IL

Police/Department of Social Services- Student Interview (Adopted & Approved 11-9-98)

a. 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 18* while the student is at school and interview the student for a reason other than investigating suspected child abuse or neglect, 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 to deny the request from the law enforcement officer. The parents shall also have the right to be present during the interview should permission be granted by parents for 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 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.

The law in South Dakota requires investigation of suspected child abuse to be kept confidential and can be done without notification to parents. Therefore, the school will not notify parents of a request by the DSS or LEO to talk with a student in such instances.

*Upon the student reaching the age of 18, the student is a legal adult and has the authority to make decisions without parental involvement. However, the student, even if age 18 or older, may choose to contact his/her parents for advice before responding to a request by the authorities to meet with and talk to a law enforcement officer and/or the Department of Social Services.

NEPN Code: IM

Extended Suspension by principal & superintendent, authorized by board. SDCL 13-32-4.2

The Timber Lake School Board authorized the summary suspension of pupils by the school principals for not more than ten (10) school days and by the superintendent of schools for not more than 90 school days. (Adoption date: 11-8-93)

NEPN Code: IN

Discipline Punishment SDCL 13-32-2

- a. Teachers have the authority and responsibility to maintain discipline in the classroom. When a student is having a problem the teacher may: conference with the student, conference with the parent, use classroom disciplinary procedures, or refer the situation directly to the principal.
- b. A staff member may use physical force against a pupil without advance notice to the principal when it is essential for self-defense, for the preservation of order or for protection of other persons or the property of the school district.

NEPN Code: IO

Student Conduct (expulsion and suspension) SDCL 13-32-5; 13-32-6; 13-32-7; 25-5-15
(Revised and adopted 07/07)

Students in the district schools are expected to act in such fashion that their behavior will reflect favorably on the individual student and on the school; will show consideration for fellow students; and will create a harmonious atmosphere at school and related activities. To accomplish this, all students must recognize their individual responsibilities and obligations and discharge them in accordance with the school regulations.

Serious breaches of standards of behavior may result in suspensions or expulsions from school. Suspension and expulsion from school are to be used by the administration only. Several forms of suspension may be used, including in-school suspension and out of school suspension. The principal may suspend a student for up to ten (10) school days and the superintendent may suspend a student for up to ninety (90) days. The board may suspend or expel a student for any number of days up to twelve (12) months. If the suspension

by the superintendent is for more than ten (10) days, the pupil or parent/guardian may appeal to the board. Hearing procedures will be in compliance with state and federal laws for both general education and special education. Every effort shall be made to work with students to solve special situations and disciplinary problems. Expulsion from school must be recommended by administration and approved by the school board. Legal reference: SDCL 13-32-4, 13-32-4.2, 13-32-5

Any of the following actions will subject a student to suspension, expulsion, or other school disciplinary measure:

1. Intentionally causing or attempting to cause substantial damage to school property; or stealing or attempting to steal school property.
2. Intentionally causing or attempting to cause substantial damage to private property; stealing or attempting to steal private property.
3. Intentionally causing or attempting to cause physical injury to another person except in self-defense.
4. Knowingly possessing or transmitting any firearm, knife, explosion, or other dangerous object.
5. Knowingly possessing, using, transmitting, or being under the influence of, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind.
6. Knowingly using or copying the academic work of another and presenting it as his/her own without proper attribution.
7. Repeatedly and intentionally defying the valid authority of supervisors, teacher, or administrators, and /or causing interruption of the school program.
8. Use of profanity.

In addition to school disciplinary measures some of the above actions are subject to punishment through civil authorities.

The above prohibited actions will be printed in the student handbook, board policy book and made available to students and parents.

IN-SCHOOL SUSPENSION GUIDELINES

1. In-School suspension will be administered and supervised by the Principal
2. The suspension will begin at 7:50 AM and end 10 minutes following dismissal time.
3. Student will serve time in a designated room and will be monitored by camera.
4. The monitor will be located in the high school office.
5. Student will be escorted on breaks by a designated staff member.
6. Lunch will be brought to the student, or student may bring a lunch.
7. Student will be expected to study during this time.
8. Student is responsible for materials to study during suspension.
9. Credit will be given for work
10. In-school suspension will be administered as follows:
 - Three days for possession and/or use of tobacco
 - One day for profanity
 - Or as determined by the administration

PROCEDURES FOR SHORT TERM SUSPENSION ARSD 24:07:02:01

1. Give oral or written notice to student and to parents, guardian, or other responsible person, if available, as soon as possible after discovery of misconduct.
2. The notice is to contain the rule, regulation, or policy violated. The student must be given an opportunity to answer the charges
3. This process does not involve board participation.

4. The hearing is no more than an informal setting granting the student the opportunity to answer the charges and present his/her side of the story.
5. Superintendent/CEO or principal should issue a decision as soon as possible. This may be done right on the spot.
6. If the student is suspended, written notice of due process rights must be provided to the student and the parent, guardian, or responsible person. Dangerous students may be turned over to law enforcement.

Student must be accompanied by parent or guardian to gain readmission to school following the suspension if a meeting has not already taken place with the principal, parent or guardian, and student regarding the current situation. (During an out of school suspension, the student may not attend any school related activities on school grounds as a spectator, including practices, games or any other extra-curricular activity. In addition students that participate in any activities may not attend activities off school grounds with the school team. During an in school suspension, after the conclusion of the in school time suspension the student may attend school related activities.)

PROCEDURES FOR LONG TERM SUSPENSION

ARSD 24:07:03

1. The superintendent/CEO must prepare and seal a written report to the schoolboard not later than the end of the fifth school day following the first day of a long-term suspension. The superintendent/CEO may request that a hearing be held before the school board. The school board will conduct a hearing for any suspension extending more than ten days.
2. The superintendent's/CEO's report includes the facts of the situation, the action taken, the reasons for the action, and the superintendent's/CEO's decision or recommendation. The report remains in the possession of the school board secretary or business manager, sealed and unavailable to individual school board members until and unless a hearing is held. A copy of the report must be sent to the 18-year-old pupil and, to unemancipated minors, to the parent, guardian, or responsible person at the time it is filed with the secretary or business manager. ARSD 24:07:03:01
3. The superintendent/CEO may exclude the pupil from classes by using a short-term suspension procedure. An activity is considered as a class. The superintendent/CEO must give notice to the 18-year-old pupil or the unemancipated minor's parent, guardian, or responsible person of a proposed long-term suspension, and may schedule a hearing. The notice must contain:
 - a. Policy allegedly violated;
 - b. The reason for the discipline;
 - c. Notice of the right to a hearing or the right to waive this hearing;
 - d. A description of the hearing process;
 - e. A statement that the records are available for examination; and
 - f. Notice that the pupil may present witnesses.
4. If a hearing is requested, the superintendent/CEO shall set the date, time, and place for the hearing and send notice to the school board members, as well as a notice by certified mail to the 18-year-old pupil or the parents of an unemancipated minor.
5. If no hearing is requested or if the hearing is waived, the proposed action or decision of the superintendent/CEO is final.
6. A hearing may be waived by an 18-year-old pupil or the parents of an unemancipated minor, in writing. If the hearing is not waived, the hearing shall be held as set forth in the notice. ARSD 24:07:03:03

Excursions or Errands

- a. Pupils taken on excursions or field trips in the interest of class activities must have the approval of the principal in advance, and the principal shall approve what transportation is involved in such excursion. The principal shall also satisfy themselves as to liability for insurance if private cars are used for transportation.
- b. Pupils may not perform errands off school grounds during school hours without the approval of the principal.

NEPN Code: IQ

Use of Pupil Records - Buckley Amendment

The Timber Lake Public Schools construe all pupil records, except directory information, to be confidential. Appropriate procedures and safeguards shall be established and followed to govern access to pupil records and the release of pupil records and information to persons, agencies, and organizations within and outside the school system. Such procedure and safeguards shall be consistent with the pursuant to Section 438, Public Law 93-380 as amended.

The District has designated the following information as directory information:

1. Student's name;
2. Address;
3. Telephone listing;
4. Name(s) of Parent(s)
5. Photograph;
6. Date and place of birth;
7. Dates of attendance;
8. Grade level;
9. Participation (including video) in officially recognized activities and sports;
10. Weight and height of members of athletic teams;
11. Degrees, honors, and awards received;
12. The most recent educational agency or institution attended.

Revised: July 8, 2019

NEPN Code: IR

List of Names of Pupils

No employee of the school may furnish list of names and addresses of students to anyone other than school officials or school connected agencies without the express permission of the superintendent. The superintendent of schools may authorize the release of the list of names of the senior class if he/she considers it to be in the best interest of the students.

NEPN Code: IS

Confidentiality of Student Record

In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information on them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, be

accessible to the student's parents or legal guardian or the student in accordance with law, and yet be guarded as confidential information.

It will be the responsibility of the superintendent to provide for the proper administration of student records in keeping with state law and federal requirements, and to standardize procedures for the collection of necessary information about individual students throughout the district.

Timber Lake School District No. 20-3 Confidentiality Procedures

1. All Students records will be maintained in either a fire resistant file or in the school safe. They will be kept locked.
2. To remove a file or record, permission must be obtained from the High School Principal or Elementary Principal who is the custodian of the files.
3. Everyone removing a file or record will sign his/her name to the checkout form and state the reason file or record is needed.
4. Student records or files will always be available to parents or legal guardians of the student, school administration, school psychologist, school special education teacher, speech therapist, classroom teachers, and any person so designated by the parent or legal guardian and the student, if appropriate.
5. A parent or legal guardian has the right to obtain copies of the record or file when this is necessary to adequately review the record.
6. After inspection of the records, a parent who believes the information contained in the record is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, may request the school district to amend them.
7. If the school district refuses to amend the record, it will inform the parent of the right to have a hearing. This hearing will be conducted by a party that does not have a direct interest in the outcome and will allow the parent a full and fair opportunity to present evidence on the issue.
8. If, as a result the hearing, the district again decides that the record does not contain inappropriate material and refuses to amend it, the district will inform the parent of the right to place a statement in the record commenting on the disputed information and the reasons for disagreeing with the decision of the district. Such a statement will be maintained as a permanent part of the student's record and will be disclosed along with the rest of the record
9. If any records are to be released to comply with a judicial order or subpoena, the parents will be given advance notice of such an order.

NEPN Code: IT

ALCOHOL USE BY STUDENTS/DRUG ABUSE BY STUDENTS/CHEMICAL ABUSE (NARCOTICS, DRUGS, ALCOHOLIC BEVERAGES) BOARD POLICY

The Board recognizes its share of the responsibility for the health, welfare, and safety of the students who attend the districts' schools. Alcohol and drug dependency is an illness and a hazard that can interfere with a student's ability to learn and function responsibly in the school setting and community. Anything that can interfere with the development of an adolescent, therefore, must be evaluated as to its impact to both the young person and the community. Psychoactive and mood altering drugs can destroy the health and well-being of an individual. The school community defines drug use as a serious health problem and is committed to discouraging this behavior and to encouraging young people to seek help should a problem arise.

As educators, we recognize that chemical abuse (drugs and alcohol) has become a serious problem in our country. We accept our obligation to establish a positive environment in which these problems can be addressed locally in a helpful and supportive rather than a punitive way. One of our goals is to prevent abuse. Accomplishing this goal, we realize, will entail training teachers, counselors and other staff members to educate the community about drug abuse. Other goals are to teach staff to identify chemical abuse problems and to know what resources are available to address these problems if they are observed. The administration recognizes that the problems of chemical abuse exceed the boundaries of the school. Therefore, we are prepared to cooperate with agencies and community groups that address these problems.

The following document outlines policy on student abuse of psycho-active or mood altering chemicals in the schools district. This policy is in effect on property owned, leased or maintained by the school district, at all school sanctioned 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.

Student and parent members of the school community are expected to be aware of and understand these policies and comply with them. A copy of the policy will be provided to all students and parents.

A student shall not possess, use, transfer, conceal, sell, attempt to sell, deliver nor be under the influence of narcotics, drugs, or alcohol, materials/substance represented to be a drug or controlled substance, or chemical substances which affect psychological functions or affect the educational system of the school. Students shall not engage in drug use/abuse nor possess paraphernalia specific to the use of chemicals.

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.

VIOLATIONS

The following procedures will be used in dealing with possession, use, transmission or being under the influence of illicit drugs and alcohol.

A. First Offense

1. The administration will notify the parent(s)/guardians(s) to explain the incident and arrange a conference.
2. The administration may suspend the student for five (5) days in compliance with student due process procedures.
3. Within thirty-six (36) hours, the administration will notify the parent(s)/guardian(s) in writing of the suspension.
4. Notify available law enforcement authorities.

The school district strongly recommends that students with chemical abuse problems seek professional evaluation and treatment from a trained chemical dependency counselor or a licensed physician trained in

chemical dependency. Because we believe that chemical dependency is preceded by misuse, we feel confident that such early intervention can benefit the student before significant harm or dependency results.

The suspension of a student who agrees to be evaluated and treated will be commuted to three (3) days.

The administration will provide a list of agencies/professionals that can do the assessment and provide treatment. 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 that the student is willing to be evaluated and to comply with the treatment process.

B. Second and subsequent offenses.

1. The administration will contact the parent(s)/guardian(s) to arrange for a conference.
2. Notify available law enforcement authorities.
3. The administration will suspend for five (5) days in compliance with student due process procedures.
4. Within thirty-six (36) hours, the administration will notify the parent(s)/guardian(s) in writing of the suspension.
5. The administration will recommend to the School Board that the student be expelled unless the following procedure is followed:

- a. The student must agree to be evaluated and treated by a trained chemical dependency counselor or a licensed physician trained in chemical dependency.
- b. Upon appropriate authorization, the agency or professional notifies the administration that the student has accepted treatment. If the student is accepting treatment, the recommendation for expulsion may be commuted. Fees for this assessment and treatment are the responsibility of student and family.

C. Supplying/distribution or selling chemical (drugs/alcohol) or material represented to be a controlled substance.

1. Within thirty-six (36) hours, the administration will notify parent(s)/guardian(s) in writing of the suspension.
2. Supplying or selling chemicals will result in a five (5) day suspension.
3. The administration will refer the case to available law enforcement authorities.
4. A hearing on the case will be conducted by the School Board pursuant to due process rules for expulsion. Expulsion may be recommended by the Superintendent.

D. Pupils who visibly appear to be impaired from use of the illicit drugs/alcohol will be referred to the school nurse, if available, and the building administrator will be notified. The School nurse or building administrator will determine whether to contact the parent for further instruction, refer to the emergency authorization form or immediately seek additional medical treatment. Following the handling of the medical emergency, this Policy Statement for Chemical Abuse will be followed.

E. A biennial review of the School Districts program will be made:

1. To determine the program's effectiveness and implement changes to the programs if they are needed; and
2. To insure that disciplinary sanctions are consistently enforced.

Legal Reference: SDCL 13-32-4.3, 26-11-5.1, 22-42-19, Public Law 101-226
Adopted: October 8, 1990

NEPN Code: IU

Title IX (Revised 07/00)

The Timber Lake School District intends to comply with Title IX which affords equal educational and activity opportunities for all students. The Title IX coordinator is appointed by the Board of Education to be responsible for coordinating and complying with Title IX. Any student who feels they have a complaint pertaining to Title IX will go through the Title IX coordinator's office. A copy of the Title IX regulations will be on file in the guidance counselor's office and the principal's office. The Title IX Coordinator is Julie Marshall, Timber Lake School, PO Box 1000, Timber Lake SD, 57656, 605-865-3654. Persons with questions may contact the Kansas City Office, Office for Civil Rights, US Department of Education, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114-3302, Telephone 816-268-0550 Fax 816-823-1404, TDD 877-521-2172, email OCR.KansasCity@ed.gov.

NEPN Code: IV

Payment of Student Meals

- a. The school may pay \$6.00 for breakfast, \$9.00 for lunch, \$11.00 supper towards student's meals in the event that a academic field trip requires the students to be away longer than 12 hours.
- b. The school shall pay the amount to be reimbursed by the SDHSAA for activity trips. The SDHSAA only reimburses student meals for state events.

NEPN Code: IW

Payment for Out of State Competition

Students participating in out of state competition that has had prior approval by the Timber Lake Board of Education may receive assistance up to \$250.00 per student.

NEPN Code: IX

ACTIVITIES RULES

Revised 8/1/15

Disciplinary Sanctions and Implementation Procedures on All Extra-Curricular Events

During the season of practice, play or rehearsal, regardless of the quantity, a student shall not:

- 1) Use or possess a beverage containing alcohol
- 2) Use or possess tobacco or smokeless tobacco

Individuals who participate in all extra-curricular activities who violate one of the above will have the following sanctions upon them.

**Extra-curricular events* are defined as anything that is practiced after or before school hours only. (This also applies to 5th and 6th grade sports that are practiced during the school day.

**Season of Practice* – Beginning with first practice and ending upon dismissal of student following last competition.

A. First Offense – (During the season of practice.)

Category I

Penalty: After confirmation of the first violation: 1) Suspension from four events.

Category II – *Integrity Clause* (Student, Parent or Guardian may apply)

Penalty: After confirmation of the first violation is made by the student, who broke policy, but informed school officials of this violation previous to the coach or the administration having

knowledge of the infraction (within 24 hours of the violation), the student shall 1) Be suspended for two events.

B. Second Offense – (During the season of practice.)

Category I

Penalty: After confirmation of the second violation: 1) Suspension from eight events.

Category II – Integrity Clause (Student, Parent or Guardian may apply)

Penalty: After confirmation of the second violation is made by the student, who broke policy, but informed the school officials of this violation previous to the coach or administration having knowledge of the infraction (within 24 hours of the violation), the student shall 1) Be suspended for five events.

C. Third Offense – (During the season of practice.)

Category I

Penalty: After confirmation of the third violation: 1) Suspension from all activities for one calendar year from the time of the **last** infraction.

Integrity Clause will not apply to any offense after the second.

D. Fourth Offense – (During the season of practice)

Category I

Penalty: After confirmation of the fourth violation: 1) Student will be permanently suspended from participating in all activities at TLHS

3) In-Possession, Use, or distribution of a controlled substance or marijuana will be handled in accordance to South Dakota Codified Law 13-32-9. (One calendar year suspension – reduced to 30 school days if assessment with a certified chemical dependency counselor or completes an accredited intensive prevention or treatment program.) There is no integrity clause of a controlled substance or marijuana.

A second violation will result in a mandatory 12 month suspension.

A third violation will result in the student being permanently suspended from participating in all activities at Timber Lake School. (Adopted 10/11/11)

*Events will carry over into next season or next year necessary to complete term of suspension.

*Infractions will accumulate grades 5 through 8 and start over grades 9 through 12 during the season of practice and throughout the student's school career at Timber Lake and/or previous school(s). For example: Timmy gets caught drinking as a 7th grader and then again as a junior in high school – Timmy will fall into the first offense for both violations. Timmy then gets caught chewing tobacco again as a senior, he will fall into the second offense. Example #2 – Bobby transfers to Timber Lake from Dupree, he received a drinking violation as a sophomore at Dupree and then gets caught drinking his junior year at Timber Lake ---He will fall into the second offense.

Equal opportunity: the Timber Lake School District does not discriminate in its policies and programs on the basis of race, color, creed, religion, age, sex, handicap, national origin or ancestry.

Inquiries concerning the application of Title IX, Section 504 or Title VI may be referred to the High school counselor, Julie Marshall, Box 1000, Timber Lake, SD 605-865-3654, or to the regional director, Department of Education, Office for Civil Rights, 1244 Speer Blvd. Suite 310, Denver, Colorado 80202-3582.

NEPN Code: IY

Participation of Alternative Instruction Students

Alternative instruction students are allowed to participate in school-sponsored activities and activities sanctioned by the South Dakota High School Activities Association within the school district in which the student resides. Alternative instruction student participants have the same rights and responsibilities as enrolled students.

As a condition of participation, the alternative instruction student must fulfill the following conditions:

1. If participating in South Dakota High School Activities Association sanctioned activities, demonstrate compliance with Chapter I, Part IV: Student Eligibility and Chapter II, Part I: Further Eligibility Requirements for Athletic Contests of the SDHSAA By Laws by annually submitting the SDHSAA Eligibility Checklist for Alternative Instruction Students.
2. Provide to the District a copy of a transcript of the previous semester's completed coursework issued by the parent, guardian, or other person in control of the child. The transcript must be provided prior to the current season of the sport or activity in which the alternative instruction child is participating.
3. Provide proof of age of the child by submitting to the District the child's birth certificate or affidavit in lieu of a birth certificate.
4. Comply with all the District's eligibility requirements. Scholastic/academic eligibility shall be verified per the District's administrative policy following the same procedure used to accept credits towards graduation when an alternative instruction student requests a transfer to the district.
5. Satisfy the responsibilities and standards of behavior and performance, including enrollment in a related class, full participation in a course, or practice requirements, as expected of other student participants as a condition for both the initial acceptance and continued membership in the activity including, but not limited to:
 - a. All the District codes of conduct will be applicable.
 - b. All the District's academic and non-academic training rules and reporting timeline requirements will be applicable. In addition, the South Dakota High School Activities Association transfer and non-academic eligibility rules will be applicable to activities sanctioned by the SDHSAA.
 - c. In order to be eligible to audition for and participate in Region Music Contests, All-State Chorus, All-State Orchestra or All-State Band, the student must be currently enrolled and attending the District's parallel musical organization (if one exists) i.e. vocal music, instrumental music, orchestra.
 - d. A student who is a member of a high school team may not participate in games, practice, tryouts, etc. in that particular sport during the same season on an independent or non-high school team, or as a member of any "All- Star" team, or completely unattached on an individual basis.
 - e. All references to calendar shall refer to the District's calendar.
6. An enrolled student who leaves an accredited program during the school year and who will be provided alternative instruction shall be ineligible for interscholastic activities for the balance of the current season of the sport or activity the student is participating in at the time of notification of alternative instruction.

STUDENT COMMUNICABLE DISEASE POLICY

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.

Students who are afflicted with or have been exposed to a communicable, contagious, or infectious disease, who are infected with communicable parasites, or who are liable to transmit such a disease or parasite, may be excluded from school attendance.

A determination of whether an affected student be excluded from the classroom or school activities shall be made on a case-by-case basis, under the direction of the building administrator or designee with consultation from the school nurse or Health Services as appropriate.

MAKING THE DETERMINATION

In making the determination, the following will be considered: The characteristics of the contagious disease; the medical condition of the student; the expected type(s) of interaction with others in the school setting; the impact on both the affected student and others in that setting; the South Dakota Department of Health and Center for Disease Control guidelines and policies; the recommendation of the County Health Officer, which may be controlling.

In making the determination, assistance may be requested from the State Department of Health, Center for Disease Control, or other experts.

If it is determined that the student will not be permitted to attend classes or participate in school activities, additional medical information may be needed before the student may return to school. If an affected student is not permitted to attend classes for ten consecutive school days, arrangements will be made to provide an alternate educational program.

REPORTING

Any teacher or other school employee who identifies or suspects that a student has a communicable disease, syndrome, or condition declared by the State Department of Health to be dangerous to public health will report orally or in writing this information to the building Principal or Superintendent. The Principal or Superintendent will determine whether the suspected or identified disease or condition is one declared to be dangerous to public health as a Category I or Category II reportable disease or condition according to the South Dakota Department of Health Administrative Rules 44:20:01:03 and 44:20:01:04. The Principal, Superintendent, or his or her designee, will report this information to the State Department of Health using a method designated by the State Department of Health. Category I diseases will be reported immediately. Category II diseases and conditions and any vaccine adverse event will be reported within three days after recognition or strong suspicion of disease or condition. The report will contain the following information:

1. The disease or condition diagnosed or suspected;
2. The student's name, age, date of birth, sex, race and address;
3. The date of onset or diagnosis of illness and whether the student is hospitalized and, if so, where;
4. Any pertinent laboratory results;
5. Public health measures given;
6. The name and address of the attending physician; and
7. The name and telephone number of the person making the report.

The State Department of Health may modify or delete any of the required information contained in the report, requirements of reporting, and categorization of reportable diseases and conditions.

CONFIDENTIALITY

If the potential for communicability is a factor, the public may be notified of the presence of the disease or condition and the possibility of transmittal or impact on others, if any. Personally identifiable information of a student who is or may be affected with a communicable disease will not be revealed to the public.

If the student is permitted to remain in the school setting, 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. Information of a student who has been identified as or suspected of having any reportable disease or condition will be reported, as appropriate, to the State Department of Health, Center for Disease Control, or other experts.

HEALTH GUIDELINES

It shall be the duty of the Superintendent to establish regulations in accordance with this policy. The regulations shall contain infection control practices to be observed within the schools and may include guidelines to be used as a resource in determinations related to school attendance.

STUDENT COMMUNICABLE DISEASE GUIDELINES

Students and faculty should be excluded from school activities for the following conditions:

- **Chicken pox (Varicella):** exclude until all lesions have dried and crusted or, in immunized children without crusts, until no new lesions appear within a 24-hour period.
- **COVID-19:** exclude based on current CDC, SD Department of Health guidance, and CRST Health guidance. see doh.sd.gov.
- **Diarrheal diseases:** exclude while symptomatic only if person is unable to practice independent hygiene.
- **Haemophilus influenzae type B, invasive (Hib):** exclude until after the child has been cleared by a physician.
- **HIV, Hepatitis B, Hepatitis C, and other bloodborne diseases:** generally no exclusion; considerations may exist if there is potential for bloodborne exposure. Consult healthcare provider for guidance.
- **Hepatitis A:** exclude until one week after onset of illness.
- **Influenza and Influenza-like illness:** exclude until fever has been absent for 24 hours in an unmedicated state. Additional exclusions may be necessary for documented novel strain or pandemic influenza based on SD Department of Health and CDC guidance.
- **Measles:** exclude until four days after onset of rash.
- **Meningococcal disease (Neisseria meningitidis):** exclude until after 24 hours of antibiotic treatment.
- **Methicillin-resistant Staphylococcus aureus (MRSA):** exclude only if confirmed MRSA is present from a wound in which drainage is occurring and cannot be covered and contained.
- **Mumps:** exclude until five days after the onset of parotid gland swelling.
- **Pertussis (Whooping cough):** exclude until completion of 5 days of appropriate antibiotic treatment. If appropriate antibiotic treatment is not received, exclude until 21 days after onset of cough.
- **Pink eye, head lice, ringworm, herpes gladiatorum, molluscum contagiosum, and skin rashes without fever:** generally no exclusion; considerations may exist for certain sports, extracurricular activities or behaviors that might increase risk of transmission. Consult healthcare provider for guidance.
- **Rubella:** exclude until seven days after onset of rash.
- **Scabies:** exclude until after treatment has started.
- **Shingles (Herpes zoster):** generally no exclusion if lesions can be covered. If lesions cannot be covered, exclude until rash or lesions have crusted over.
- **Strep throat and Streptococcal skin infections:** exclude until after 12 hours of antibiotic treatment.
- **Tuberculosis:** exclude until a physician, concurring with the SD Department of Health, states the child is not infectious.

ANY QUESTIONS PERTAINING TO INTERPRETATION OF THESE GUIDELINES SHOULD BE REFERRED TO SCHOOL HEALTH PERSONNEL.

Reviewed 7/00

Revised: 9/16/20

Revised: 8/12/21

NEPN Code: IAA

VIRTUAL HIGH SCHOOL/DISTANCE CLASSES

In 2006, the South Dakota Legislature created the South Dakota Virtual High School. The South Dakota Virtual High School is a clearinghouse of distance/online courses offered by approved providers. All course offerings are approved by the South Dakota Department of Education to ensure that they are aligned with South Dakota content standards. The Timber Lake School recognizes the need and desire for students to enroll in classes outside of the local school district.

Student Application for Virtual High School Courses

Students applying for permission to take a distance/online course will do the following:

- Meet with the school counselor to assess the student's maturity and ability to function effectively in an online learning environment.
- Complete prerequisite courses.
- Obtain written approval of the principal before the counselor enrolls the student in a virtual course.

- Obtain written permission of parent/guardian for student to pursue distance/online coursework.
- Adhere to the District Acceptable Use Policy and the TLS Student Handbook, including rules on behavior and consequences for violations.

Credit for Distance/Online Coursework

Credit from an online course or distance course may be earned in the following circumstances:

- The course is not offered by TLS.
- The high school does offer the course, but the student is unable to take it due to unavoidable scheduling conflict.
- The student needs to complete the course for credit recovery.

Awarding Credit for Distance/Online Coursework

The school must receive an official record of the final grade before awarding credit toward graduation. Only approved courses shall be recorded on student transcripts.

Costs

- Students will not be charged for any District approved distance/online course that is part of the student's full credit load for the semester.
- If the student is taking the course for credit recovery reasons, the student will assume full responsibility for the cost. However, if the student successfully completes the course with a "C" grade or above, the student will receive reimbursement for the course.
- The District will provide textbooks for approved online/distance courses, but they remain the property of the District at the end of the course.

Online/Distance Learning Agreement

I, _____, have read and understand the Timber Lake School Policies for Virtual High School/Distance classes, I understand that online/distance learning requires a great deal of personal responsibility and motivation, as well as excellent time management skills. I have discussed the demands of online/distance learning with my teachers, parents, and the counselor and I understand that these courses often require work outside of a normal class period (i.e. homework).

Students are responsible for their coursework, as well as initiating contact with their teacher and/or mentor, if necessary. The student code of conduct, grading scales, grading deadlines, course content, etc. are all available online. Students are expected to work independently, yet to ask for help when needed. Do not wait for your online instructor to contact the school. I understand that Timber Lake School will provide me with an on-site mentor to assist me with technical issues, proctored tests/quizzes, and monitoring my progress. However, I know that my online/distance instructor is my first point of contact for questions/problems with coursework, and it is my responsibility to stay in close contact with my online/distance instructor and to monitor my own progress.

Timber Lake School may provide textbooks and other materials required for this course. Any materials provided by the school must be returned to the school upon completion of the course. The student/parent is responsible for any damaged and/or missing materials checked out and agrees to pay the replacement cost of such items, if necessary.

I understand that my online distance course(s) are checked for eligibility purposes, and any failing grades in these courses will make me ineligible for activities, as per school policy. The on-site mentor will be responsible for doing grade checks, providing periodic progress reports, and recording final grades to the student's report card and transcript.

This course is _____ is a _____-semester course, counted as _____ credit at Timber Lake School as a (n) _____ credit. Final grades will be recorded on the student grade report and transcript.

The start date _____; midterm deadline is _____, with grades posted on _____, and a final end date of _____.

Payment: *(District Personnel please check one below/Parent & Student please initial)*

- o ____/____ The district agrees to pay the cost of the course because it is part of the student's normal schedule and is not due to credit recovery.
- o ____/____ The student/parent agrees to pay the cost of this course, as it is due to credit recovery. The district agrees to reimburse the student/parent if the student successfully completes the course with a "C" grade or above.

District Approval:

I, _____, give approval for _____ to take the online/distance course as indicated above.

District Personnel Signature _____ Date _____

I understand my responsibility as an online/distance learning student/parent. I have asked and received answers to questions, and thereby, agree to the terms of this opportunity.

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

NEPN Code: IAB

EDUCATION OF HOMELESS CHILDREN

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth.

A homeless child is an individual age 21 and under eligible for public education services under state and federal law who lacks a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

- Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
- Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
- Living in emergency or transitional shelters;
- Abandoned in hospitals;
- Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

The Board will appoint a liaison for homeless children.

Every homeless child is entitled to equal access to the same free, appropriate public education as provided to other students. The District will strive to ensure the enrollment and attendance of homeless children not currently attending school. The District will enroll a child who is homeless regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment.

Homeless children will have access to services comparable those offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for students with disabilities and limited English proficiency;

4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The District will strive to ensure the enrollment and attendance of homeless children not currently attending school.

The District will review and revise as necessary those policies, rules or procedures that may be barriers to enrollment of homeless children. In reviewing and revising such procedures, the District will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Dispute Resolution Process

The District has developed a dispute resolution process for when parents, guardians, or an unaccompanied child and the District disagree on the eligibility, enrollment, or educational placement of the homeless child. When a dispute arises, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. Should a dispute occur regarding eligibility, enrollment, or school selection of a homeless child, the dispute process as outlined in regulation IAB-R(1) must be used.

The District will provide a written explanation of the decision to the parent or, in the case of an unaccompanied child, to the unaccompanied child. The written explanation must include a description of the parent's or unaccompanied child's right to appeal the decision.

The designated District Homeless Liaison is responsible for carrying out the dispute resolution process in an expeditious manner.

Revised: 2-13-19

Revised: 8-12-21

NEPN Code: IAB-R2

EDUCATION OF HOMELESS CHILDREN

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth. The District has developed a dispute resolution process for when parents, guardians, or unaccompanied youth and schools, disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The designated District Homeless Liaison is responsible for carrying out the dispute resolution process in an expeditious manner.

The District will provide a written explanation of the decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent's or unaccompanied youth's right to appeal the decision. When a dispute arises over eligibility, enrollment, or school selection, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.

Should a dispute occur regarding eligibility, enrollment, or school selection of a homeless child or youth, the following process must be used:

- Level 1: If a parent or unaccompanied youth wishes to appeal a District Homeless Liaison's decision related to a student's eligibility, enrollment, or educational placement, the case is appealed to the District Superintendent or the Superintendent's designee (who may not be the District Homeless Liaison).
- Level 2: If the appeal is unresolved, the case is appealed to the School Board.
- Level 3: If the appeal continues to be unresolved, the case is appealed to the McKinney-Vento State Coordinator.

Every effort should be made to resolve the complaint or dispute at the local level before it is brought to the South Dakota Department of Education.

Initiation of the Dispute Resolution Process: If a parent or unaccompanied youth wishes to appeal the District Homeless Liaison's decision related to a student's eligibility, enrollment, or educational placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the District Homeless Liaison by:
 - a. submitting a form that initiates the dispute resolution process;
 - b. the request for dispute resolution must be submitted by the parent or the unaccompanied youth to the District Homeless Liaison within fourteen (14) calendar days of receiving notification that the District intends to enroll the student in a school other than the one requested by the family or the unaccompanied youth;
2. The District's Homeless Liaison must log their receipt of the appeal, including the date and time, with a written description of the situation and the reason for the dispute, and a copy of the complaint must be forwarded to the District Superintendent within seven (7) calendar days of receipt of the notice of appeal.

Level 1: Appeal to the Superintendent: The following procedure shall be used to address an appeal of the District's Homeless Liaison's decision:

- A. The appeal shall be in writing using Exhibit IAB-E(1).
- B. Upon receipt of an appeal, the Superintendent will, within fourteen (14) calendar days, meet and discuss the matter with the appealing party and the District's Homeless Liaison.
- C. 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.
- D. The Superintendent may uphold, reverse or modify the Liaison's decision. The Superintendent may also refer the matter back to the Liaison for further investigation. The Liaison may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Liaison, and the Liaison rendered a second decision, that decision may also be appealed to the Superintendent.
- E. The Superintendent's decision may be appealed to the School Board within fourteen (14) calendar days of receipt of the Superintendent's written decision. If the Superintendent does not render a written decision within the required time frame the matter may be appealed to the School Board pursuant to Step 3.

Level 2: Appeal to the School Board: The following procedure shall be used to address an appeal of the Superintendent's decision made in Level 1, 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 IAB-E(2).
- B. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within fourteen (14) calendar days of receipt of the Superintendent's written decision, or within

fourteen (14) calendar days of the deadline for the Superintendent's written decision, whichever comes first.

C. Upon receipt of an appeal to the School Board, the School Board shall schedule a date, time and location for the appeal hearing.

D. The following procedure shall be applicable at the appeal hearing before the School Board:

1. The School Board shall appoint a school board member or a person who is not an employee of the school district as the Hearing Officer.
2. Within thirty (30) calendar days of an appeal being filed with the School Board, the School Board shall conduct a hearing in executive session.
3. The appealing party and the Superintendent each have the right to be represented at the hearing.
4. 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.
5. 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 make a decision on the merits of the complaint.
6. All parties shall be given the opportunity to make an opening statement.
7. Both parties shall have the opportunity to present their case and ask questions of the other's witnesses. The Hearing Officer and school board members may ask questions of any witness.
8. 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.
9. 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.
10. Both parties shall be given the opportunity to make a closing statement.
11. 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 both parties are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
12. 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 parties.

13. 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.
14. If the party appealing the Superintendent's decision to the School Board is dissatisfied with the School Board's decision, that party may appeal the decision by filing an appeal with the South Dakota Department of Education.

Adopted: 8-12-21

NEPN Code: IAB-E(1)

EDUCATION OF HOMELESS CHILDREN

The Liaison must provide a written explanation of the decision to the parent or, in the case of an unaccompanied child, to the unaccompanied child. If a parent or unaccompanied child wishes to appeal a District Homeless Liaison's decision related to a child's eligibility, enrollment, or educational placement, the case is appealed by submitting this completed form to the District's Homeless Liaison who shall forward it to the Superintendent. The appeal must be filed within 14 calendar days of receipt of the Liaison's decision. I/We appeal the Liaison's Level 1 decision for the following reason(s): [With specificity, state how or why the Liaison's decision is believed to be wrong] :

ATTACH A COPY OF THE LIASION'S WRITTEN DECISION WHICH IS BEING APPEALED.

<hr/>	<hr/>
Date	Parent or Unaccompanied Child
<hr/>	<hr/>
Date Received	District Homeless Child Liaison
<hr/>	<hr/>
Date Received	Superintendent

Adopted: 8-12-21

NEPN Code: IAB-E(2)

EDUCATION OF HOMELESS CHILDREN

An appeal of the Superintendent's decision must be filed with the President/Chairperson of the School Board or Business Manager within 14 calendar days of receipt of the Superintendent's written decision (or within 14 calendar days of the deadline for the Superintendent's written decision, whichever comes first). I/We appeal the Superintendent's Level 2 decision for the following reason(s): [With specificity, state how or why the Superintendent's Decision is believed to be wrong]:

ATTACH A COPY OF THE LIAISON’S DECISION, APPEAL TO THE SUPERINTENDENT, AND THE SUPERINTENDENT’S DECISION.

Date

Parent or Unaccompanied Child

Date Received

Board President/Chairperson – Business Manager:

Adopted: 8/12/2021

Revised: 2-13-19

NEPN Code: IAC

GANGS AND GANG RELATED ACTIVITIES, CODE (Adopted 11/09)

Timber Lake School District has a responsibility to maintain a school environment free of violence, intimidation, or other behaviors which threaten the safety and well-being of students and staff. Anti-social and/or criminal activities of gangs or gang-like groups threaten the school environment and interfere with the educational process. Anti-social and/or gang activities will not be tolerated and the District hereby bars all gangs, gang affiliations and gang related activities from school buildings, school buses, school related activities and school property at all times.

A “gang” is defined as any identifiable group or club which exists without the sponsorship or authorization of the school and which engages in anti-social or criminal behavior or activity which is disruptive of the school environment.

Activities of gangs/associations/organizations including recruitment, initiations, hazing, intimidation, retaliation and/or related activities which could potentially cause bodily danger, physical harm, or personal degradation or disgrace and result in physical or mental harm to students are prohibited as are all forms of criminal activity. The use of language, hand signals, graffiti, tattoos, haircuts, or the presence of any wearing apparel, footwear, jewelry, accessory, or manner of grooming which, by virtue of color, arrangement, trademark, symbol or any other attribute indicates or implies membership or affiliation with such a group is hereby prohibited.

School administrators will monitor the school environment and parents will be informed of suspected gang involvement and/or activities. If an administrator verifies a student’s involvement in gang activity, the parent or guardian will be informed and appropriate law enforcement and social service agencies will be notified. Administrators shall comply with confidentiality laws when releasing student record information. Cooperation with law enforcement agencies is authorized and encouraged.

Students violating this policy may be subject to appropriate disciplinary action, including suspension and/or recommendation for expulsion review.

NEPN Code: IAD

SEMESTER TESTING Approved 08/02 - Revised 2013

Timber Lake School requires the administering of semester tests/projects to all students in grades 9-12 for each course they are currently enrolled in. Semester tests/projects will equal 15% of the semester grade. A semester testing schedule of two days will be set by the principal.

Student Attendance/Semester Test Exemption Policy Revised 2013

Students may be exempt from a 2nd semester test if the following criteria are met:

1. Students miss 3 or fewer class periods. 2 tardys equal one absence.
2. Only for year-long classes and classes offered once per year.
3. Semester projects are not exempt.
4. Students without a semester test may have open campus for the hour of review and test with parent permission and signing out in the High School Office.

NEPN Code: IAE

Epinephrine Auto-Injectors

The Timber Lake School 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 severe allergic reaction causing anaphylaxis.

All epinephrine auto-injectors will be stored in a medicine cabinet and managed by school personnel trained in the administration of epinephrine auto-injector.

School Personnel may:

1. Administer an epinephrine auto-injector to a student in accordance with a prescription for the child.
2. Administer an epinephrine auto-injector to any student during school hours or a school activity that school personnel believes is experiencing anaphylaxis, regardless of whether a student has a prescription for an epinephrine auto-injector or has been diagnosed with an allergy.
3. Prior to administering an epinephrine auto-injector made available by the school, 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 after care for a student who has an allergic or anaphylactic reaction. Which includes contacting emergency responders via 911 so the individual is transported to a medical facility.

Pursuant to state law, no administrator, school personnel, District or School Board, that makes available or possesses epinephrine auto-injectors may be held liable for any injury or related damage that results from the administration of, self-administration of, or 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 Timber Lake School District, through means deemed appropriate by the Superintendent, shall notify parents / guardians of each student about the policy. Proposed: 7/14/14

NEPN Code: IAF

Administration of Medications to Students

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

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

Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by the school district nurse acting under specific written request of the parent or guardian and under the written instructions of the student's physician.

When such a request is made by a parent or guardian, a full release from the responsibilities pertaining to

the administration and consequences of such medications must also be presented to the principal by the student's parent or guardian.

Parent/guardian requests to store and/or administer prescription or nonprescription medications to students must be in writing, on a Consent for Medication Administration District Form. The Consent for Medication Administration must be completely filled out, signed and dated by the parent/ guardian. The Consent for Medication Administration must be renewed annually. Any product that could be considered a drug, including “natural remedies”, herbs, vitamins, dietary supplements or homeopathic medications will be managed as a prescription medication. These products would require a written order from a physician or licensed health care provider and completion of a Consent for Medication Administration by the parent/guardian.

When medication is brought to school for a student, the student's teacher, building principal, nurse or secretary will be made aware that the student will be taking medication. If a child has medication at school without prior notification the parent/guardian will be contacted. Medications should be transported to and from school by a parent/guardian.

All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in the original pharmacy labeled container. The label must specify the student's name, name of the medication, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container.

It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

Prescription medication administration may be delegated only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

Revised: 10/13/21

Adopted: 2/15/17

NEPN Code: IAF-E (1)

ADMINISTRATION OF MEDICATIONS TO STUDENTS CONSENT FORM

1. I am the parent/guardian of _____ and I authorize my child/ward, date of birth _____ grade _____, to be administered the prescription/ nonprescription medication identified below while on school property or at a school-related event or activity by an employee trained in the administration of 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 the District and its employees are not responsible for medication administration after school hours and/or off school grounds (ex. Bus, away games).
4. 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.
5. 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, bus drivers).

6. I acknowledge and agree that the school shall secure (store) the medication for the student until administration of the medication is necessary, and that the medication shall not be stored in the student's locker, with the exception of live saving asthma or anaphylaxis medications.

YES / NO (circle one) Timber Lake School District 20-3 can supply my child Tylenol, Ibuprofen, antacids, and antihistamine. I understand, the school WILL still call informing me if these medications are given to my child.

YES / NO (circle one) Timber Lake School District 20-3 can supply my child cough drops, antibiotic ointment, and anti-itch cream. I understand, the school WILL NOT call informing me if these medications are given to my child.

YES / NO (circle one) Timber Lake School District 20-3 can supply my child with head lice treatment if necessary.

Signature of Parent/Guardian

Date

Please list other medications (supplied by parent/guardian) on the back of this form.

Medication:

Dose:

Route (ex. Oral, inhaled, injected): _____

Time (if not given on a scheduled basis, write "as needed"):

Authorization Start Date: _____

Authorization End Date: _____

Medication:

Dose:

Route (ex. Oral, inhaled, injected): _____

Time (if not given on a scheduled basis, write "as needed"):

Authorization Start Date: _____

Authorization End Date: _____

Medication:

Dose:

Route (ex. Oral, inhaled, injected): _____

Time (if not given on a scheduled basis, write "as needed"):

Authorization Start Date: _____

Authorization End Date: _____

Adopted: 2-15-17

Revised: 6/13/18

NEPN Code: IAF-E (2)

Asthma and Anaphylaxis Medication Permission Form for Student Self-Administration

Student Information (to be completed by the parent/guardian):

Student's Name _____ Date of Birth _____

Grade _____

School _____

Parent/Guardian's Name _____

I am the legal guardian of the above student and authorize my child to self-carry and/or administer his/her prescription medication for asthma and/or anaphylaxis while on school property or at a school-related event or activity.

I release 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.

Parent/Guardian's Signature _____ Date _____

Medical Information (to be completed by the medical provider):

Medication	Dose	When to use	Purpose

I am the medical provider for the above student and feel that he/she is capable of self-carrying and self-administering the above prescription medication and the student knows when and how to use the medication(s). I confirm that he/she has been diagnosed with

_____ Asthma and/or
_____ Anaphylaxis.

Medical Provider's Signature _____ Date _____

Adopted: 2-15-17

Revised: 6/13/18

NEPN Code: IAFA

Administration of Medical Cannabis to Qualifying Students

The School District restricts the administration of medical cannabis during school hours and at school-sponsored activities unless, in accordance with a practitioner's recommendation, administration of medical cannabis cannot reasonably be accomplished outside of school hours or school-sponsored activities.

The District permits students with a valid registry identification card for medical cannabis under South Dakota law to be administered medical cannabis on school property or at a school-sponsored activity by their parent/guardian or other registered designated caregiver in accordance with this policy and South Dakota law. In order for a parent/guardian or other designated caregiver to administer medical cannabis to a qualifying student, the District will require the following to be provided initially and thereafter at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes:

- Presentation of the student's valid State of South Dakota Department of Health approved registry identification card or nonresident card with the State of South Dakota Department of Health's confirmation of registration (a copy of which will be kept by the school in the student's educational record);
- Presentation of the State of South Dakota Department of Health approved caregiver's card showing his/her status as the registered designated caregiver for the qualifying student (a copy of which will be kept by the school in the student's educational record); and
- A written dated and signed certification by the qualifying student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

The parent/guardian or other registered designated caregiver is the only person who may provide, administer, or assist the student with the consumption of medical cannabis. Schools will not store, and school personnel will not administer, medical cannabis.

Administration of medical cannabis to qualifying students shall be in accordance with this policy. Administration of all prescription and nonprescription medications to students shall be in accordance with applicable law and the District's policy concerning the administration of medications to students.

Definitions

The following definitions apply for purposes of this policy:

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.

2. “Permissible form of medical cannabis” means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical cannabis to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Smoking or vaping medical cannabis is strictly prohibited and is not a permissible form of medical cannabis for students in a school setting under any circumstances.
3. “Designated caregiver” means the qualifying student’s parent, guardian or other responsible adult over twenty-one years of age who is the qualifying student’s registered designated caregiver and who has a caregiver’s card approved by the South Dakota Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student. Any designated caregiver seeking access to school property or school-sponsored activity for purposes of this policy must comply with the Board’s policy and/or procedures concerning visitors to school and all other applicable policies.
4. “School property” means any school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for the school district’s functions.
5. “Qualifying student” means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.
6. “Written certification” means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient’s debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient’s debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

Permissible administration of medical cannabis to a qualifying student

A qualifying student’s designated caregiver may administer a permissible form of medical cannabis to a qualifying student in a designated location if all of the following parameters are met:

1. The qualifying student’s parent/guardian provides the following to the school before the administration of medical cannabis is allowed on school property or at a school-sponsored activity and thereafter at the beginning of each school year and at any time when the qualifying student’s administration of medical cannabis changes:
 - a. The qualifying student’s valid registry identification card from the State of South Dakota Department of Health or nonresident card with the State of South Dakota Department of Health’s confirmation of registration authorizing the student to receive medical cannabis;
 - b. The completed and signed Form IAFA-E(1)(Medical Cannabis Administration Plan);

- c. The designated caregiver(s) card approved by the State of South Dakota Department of Health; and
 - d. Written certification dated and signed by the student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.
2. The qualifying student's parent/guardian provides written notice to the school within ten (10) days of any of the following:
 - a. Change in a designated caregiver;
 - b. The student ceases to have a debilitating medical condition, as that term is defined in South Dakota law; or
 - c. The registry identification card is void, expired or revoked.
3. In the event that a new registry identification card is issued, the qualifying student's parent/guardian provides the new card to the school district within ten (10) days of the issuance of the card;
4. The qualifying student's parent/guardian signs the written acknowledgement in Form IAFA-E(1)(Medical Cannabis Administration Plan) assuming all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis under state law, and releases the district from liability for any claim or injury that occurs pursuant to this policy;
5. The qualifying student's parent/guardian or designated caregiver shall be responsible for providing the permissible form of medical cannabis to be administered to the qualifying student, shall transport it in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and shall not at any given time possess on school property an amount of medical cannabis that exceeds the qualifying student's prescribed daily dosage;
6. The district will determine the location and the method of administration of a permissible form of medical cannabis so to not create risk of disruption to the educational environment or exposure to other students;
7. After administering the permissible form of medical cannabis to the qualifying student, the student's designated caregiver shall remove any remaining medical cannabis from the school property or school-sponsored activity;
8. The written dated and signed plan contained in Form IAFA-E(1)(Medical Cannabis Administration Plan) is prepared that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualifying student.

Additional parameters

School personnel, in their role as employees of the school district, will not under any circumstances:

1. Assist a qualifying student or his/her designated caregiver in obtaining, administering, or using medical cannabis;
2. Store or hold medical cannabis in any form;
3. Ensure the qualifying student is properly using the medical cannabis as instructed by his/her recommending practitioner; or
4. Serve as the qualifying student's designated caregiver of medical cannabis.

This policy conveys no right to any student or to the student's parents/guardians or other designated caregiver to demand access to any general or particular location on school property or at a school-sponsored activity to administer medical cannabis.

When a school-sponsored activity occurs at another South Dakota public school, the location identified by that school will serve as the designated location for the designated caregiver's administration of medical cannabis.

This policy shall not apply to school property or school-sponsored activities located outside of the state of South Dakota, on federal property or any other location that prohibits cannabis on its property.

Permission to administer medical cannabis to a qualifying student may be limited or revoked if the qualifying student and/or the student's parent/guardian or other designated caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

No student is permitted to possess or self-administer medical cannabis. Qualifying students with a valid registry identification card who possess or self-administer cannabis may be subject to discipline just as any other student without a valid registry identification card would be. Student possession, use, distribution, sale or being under the influence of cannabis inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal government indicates that the District's federal funds will be lost or have been lost by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualifying students on school property or at a school-sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

Adopted: 10/13/21

NEPN Code: IAFA-E(1)

Medical Cannabis Administration Plan

Before the administration of medical cannabis on school property or at a school-sponsored activity, at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes, the student's parent/guardian must complete and submit to the district this form, the student's registry identification card, the designated caregiver(s) card, and a written signed certification¹ by the recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

To be completed by the parent/guardian:

Name of Qualifying Student²: _____

School: _____ Grade: _____

Name and Phone Number of Student's Designated Caregiver(s)³: _____

By initialing the following statements and signing below, the undersigned parent/guardian hereby acknowledges:

____ I have read and agree to comply with the procedure regarding the administration of medical cannabis to qualifying students as outlined in Policy IAFA.

____ I assume all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis to my child.

____ I understand that no school personnel are required to administer medical cannabis to my child, and that only a registered designated caregiver will be allowed to administer medical cannabis to my child.

____ I understand that I or the designated caregiver for my child will not at any time possess on school property an amount of medical cannabis that exceeds my child's prescribed daily dosage, that it will be transported in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and that as soon as I or my child's designated caregiver administer the dosage of medical cannabis, I or my child's designated caregiver must remove any remaining cannabis from the school property or school-sponsored activity.

____ I understand that the district will determine a designated location and any protocols regarding the administration of medical cannabis to my child and that this plan does not allow for the administration of medical cannabis on federal property or any location that prohibits cannabis on its property.

____ I agree to notify the School District of any change in circumstances as outlined in Policy IAFA.

____ I understand that permission to administer medical cannabis in accordance with this plan may be revoked for the failure to comply with the procedure, rules or requirements of the administration of medical cannabis to qualifying students or other policies.

By signing below, I hereby release and hold harmless the School District, its officers, agents, employees, and volunteers from any and all liability, damages, injury or other legal claims which I now have or may hereafter have arising out of the administration of medical cannabis to my child.

Date: _____

Signature of parent or guardian

¹ "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

² "Qualifying student" means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.

³ "Designated caregiver" means the qualifying student's parent, guardian or other responsible adult over twenty-one years of age who is the qualifying student's registered designated caregiver and who has a caregiver's card approved by the SD Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student.

To be completed by the school:

I have received the following:

____ Student's registry identification card approved by the State of South Dakota Department of Health authorizing the administration of medical cannabis to the student. The expiration date is: _____

____ The designated caregiver(s) card approved by the State of South Dakota Department of Health authorizing the administration of medical cannabis to the student.

____ Written certification signed by the recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

The student's identified designated caregiver's administration of the permissible form of medical cannabis in the designated location has been conditionally approved as follows:

Permissible form(s)⁴ of medical cannabis to be administered:

☐ Oil/Lotion ☐ Tincture ☐ Edible Product ☐ Other: _____

Administration method to be used: _____

Dosage Amount: _____ Time(s) to be Administered: _____

Location of administration⁵ on school property or at a school-sponsored activity:

Date: _____

Name and Signature of Nurse: _____ Name

and Signature of Administrator: _____

Copies of the current registry identification card and the registered designated caregiver(s) card will be retained in the student's educational record and updated as needed.

Provide copies of the Administration Plan to:

- Parent/Guardian
- Designated Caregiver (if different than parent/guardian)
- School Principal
- Student's Teacher(s)
- School Nurse

⁴ "Permissible form of medical cannabis" means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Other non-smokable forms may be approved on a case by case basis.

⁵ "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.

Timber Lake School District 20-3	NEPN Code: IAG
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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:

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

b. Physical Restraint:

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

c. Seclusion:

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

d. Time Out:

A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

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;
- 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. Requirement for Use of Seclusion:

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

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

- f. upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

VI. Prohibited for Use of Seclusion:

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

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 debriefing with all involved staff and parents and, if appropriate, the student;
 - i. Debrief utilizing the District's Debriefing Form.
 - ii. evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
 - iii. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

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 KL: 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 ASBSD sample policy exhibits JGB-E(1): Restraint and Seclusion - Incident Report Form, and JGB-(E2): Restraint and Seclusion - Debriefing Form. Your District may use a different Incident Report Form and Debriefing Form.

(2) Section X. a. and b. refer to ASBSD sample policy KL: Complaint Against School Employee. If your district's Complaint Against School Employee policy is coded differently than KL, your district's policy would be referenced in section X.

Adopted: 6/13/2018

Revised:

Reviewed:

Timber Lake School District 20-3	NEPN Code: IAG-E(1)
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RESTRAINT AND SECLUSION INCIDENT REPORT FORM

Student Name

Date of incident

Does this student have a disability? _____ Yes _____ No

If yes, what is the disability? _____

Student ethnicity: _____ Student gender: _____

Teacher/class/grade _____

Staff person(s) initiating restraint; others present/involved: Staff

person(s) initiating seclusion; others present/involved:

Describe the behavior that led to restraint/seclusion, including time, location, activity, others present, other contributing factors:

Procedures used to attempt to de-escalate the student prior to using restraint/seclusion:

Describe the restraint/seclusion:

Duration of time of restraint/seclusion

Staff member submitting report

Submitted to Administration at _____ time _____ date

Adopted: 6/13/2018 Revised: Reviewed:

Timber Lake School District 20-3	NEPN Code: IAG-E(2)
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**RESTRAINT AND SECLUSION
DEBRIEFING FORM**

Student: _____ Date of Incident: _____

Date of Debriefing: _____

Present:

Name	Position	Signature	Has the staff completed restraint training?

5. Give a brief description of the circumstances (antecedents) leading up to this incident.

6. Give a summary of the incident.

7. What was the intervention used?

8. What was the outcome?

9. From information gained, what changes (if any) should be made?

10. Has a support plan been initiated? If yes, ____ Yes ____ No
who was contacted?

11. 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

12. 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)

13. Additional comments (if any)

Adopted: 6/13/2018

Revised:

Reviewed:

Associated School Boards of South Dakota	NEPN Code: IAH
Policy Reference Manual	

Administration of Opioid Antagonist

The Board may acquire opioid antagonists and make them available to personnel who are trained by the SD Department of Health (SD DOH) or equivalent to possess and administer the medication for opioid overdose situation in accordance with state law and administrative rules.

Before school personnel may administer an opioid antagonist in the event of a suspected opioid overdose, training must be provided by an individual qualified to do so.

The training must include:

1. Signs and symptoms of an opiate overdose;
2. Protocols and procedures for administration of an opioid antagonist;
3. Signs and symptoms of adverse responses to an opioid antagonist;
4. Protocols and procedures to stabilize the patient if an adverse response occurs;
5. Procedures for transporting, storing, and securing an opioid antagonist.
6. Opioid antagonist duration;
7. The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim; and
8. The method of opioid antagonist administration being taught.

Any school personnel who will have access to the medication and who may administer the medication must receive the required training. Training provided by the SD DOH is at no cost to the

District. Training is not required for school personnel who will not have access to the medication or who will not potentially be administering the medication.

Naloxone is an opioid antagonist that comes in either an injectable form or a nasal spray. The medication provided to the schools through the SD DOH will be the nasal spray, and therefore, the SD DOH training will focus exclusively on the nasal spray. The cost of the medication provided by or through the SD DOH will be at no cost to the District. All opioid antagonists must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in administration of opioid antagonists or administration of medication.

A standing order by a physician is required for the District to possess the medication. The SD DOH has identified a contract physician who will provide the standing order for the District.

Because opioid antagonists are used in opioid overdose emergency situations, prior parental consent is not required before administration of an opioid antagonist.* Emergency medical services and the parents or guardians will be contacted immediately following the administration of an opioid antagonist.

The District will report naloxone use to the SD DOH on a form developed by SD DOH.

Pursuant to state law, no school district, administrator, school board member, school nurse, or designated school personnel possessing or making available opioid antagonists in accordance with state law, and no health care professional providing training in relation thereto, may be held liable for any injury or related damage that results from the administration of, the self-administration of, or the failure to administer an opioid antagonist, if such action or inaction constitutes, ordinary negligence. This immunity does not apply to an act or omission constituting gross, willful, or wanton negligence. The administration of an opioid antagonist does not constitute the practice of medicine. The immunity provided pursuant to SDCL 13-34A-24 is in addition to, and not in lieu of, any other immunity provided by law.

NOTES: Adapt Pharma, the company that manufactures Narcan (a brand name of naloxone), has offered to all South Dakota high schools an initial supply (two doses) of the medication free-of-charge. The SD DOH has also committed to re-supplying the medication free-of-charge when necessary as long as DOH has the medication available in their stockpile.

* SDCL 20-9-4.1. Immunity from liability for emergency care--Exception. No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such as a volunteer, or any other person is liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief from liability for civil damages extends to the operation of any motor vehicle in connection with any such care or services. Nothing in this section grants any relief to any person causing any damage by his willful, wanton or reckless act of commission or omission

Approved: 9/11/2019

NEPN Code: IAI

Student Pregnancy & Marital Status Policy Guidelines

The Timber Lake School District shall not discriminate against any married or pregnant student or be excluded from any program or activity, including any class or any extracurricular activity. Pregnant or married students may volunteer to participate in a separate educational program offered by the school; the instructional portion of the program must be equivalent to that offered to non-pregnant or non-married students.

A physician's certification of fitness to continue in the regular education program may be required of pregnant students **only** if such certification is required of other students with conditions requiring a physician's care. Pregnancy must be treated as a justification for a student's leave of absence for whatever time period the student's physician finds medically necessary

Any student's pregnancy must be treated the same as any other temporary disability in student health insurance plans offered by the school district. A student must be reinstated to the same status, which she held prior to her leave of absence.

This statement is provided by Office for Civil Rights, United States Department of Education, Title 34, Section § 106-40.

Adopted: 3-9-2020

Timber Lake School District	NEPN Code: JA
Policy Manual	

Timber Lake School District 20-3 ensures the following policy and practices will be upheld to ensure a supportive breastfeeding environment that complies with state and federal laws, demonstrates a culture of breastfeeding support, and provides protection and accommodation to all breastfeeding mothers on school grounds including faculty, staff, students, and visitors.

Breastfeeding Faculty and Staff (herein referred to as employees):

In accordance with Section 4207 of the Patient Protection and Affordable Care Act (ACA) Fair Labor Standards Act (FLSA), Timber Lake School District 20-3 will:

- Recognize the responsibility a mother has to both her job and her child when she returns to work. We are aware that there are many health benefits associated with breastfeeding and that mothers may miss less work caring for sick kids if they breastfeed.
- Support mothers who breastfeed at work and are committed to helping our employees continue breastfeeding when they return.
- Provide a reasonable break time for an employee to express breast milk for her child for 1 year after the child's birth each time an employee has need to express breast milk. Because a flexible schedule is important, beginning and ending work times can be adjusted to accommodate these breaks.
- Provide access to the schools Nursing Room located in the main office, which is a private space (NOT a bathroom) that is shielded from view and free from intrusion from co-workers and students.
 - The space will provide a power source, comfortable chair, sink and refrigerator for breast milk storage in the room or nearby (a community fridge will suffice for breast milk storage), reasonable method for scheduling use (i.e. paper sign-up sheet, dry-erase board, or online scheduler as time allotted for scheduling is usually 30-minute increments), and privacy signage.
 - School janitorial staff will clean as part of routine cleaning regimen.
 - Faculty, staff, and student needs take priority when space is open to visitors during school events and activities.
 - If the Nursing Room is occupied, the school will help find an alternative private space, that is not a restroom, shielded from view and free from intrusion of co-workers and students.
 - Employees are not required to use the private space if they do not prefer it. Employees may choose to express breastmilk in an alternate location, free from view, such as their own classroom or work space.
- Provide a description of worksite accommodations and options available to women who breastfeed during new employee orientation.
- Provide annual employee education that will explain why breastfeeding mothers need support from their employer and co-workers.
- Provide information about breastfeeding support and accommodation in break spaces where other mandated notices are displayed, in staff communications, and on the school website.
- Treat conduct that reasonably interferes with an employee's work performance, that creates an intimidating, hostile, or offensive work environment, or that inhibits an employee's ability to breastfeed or express milk in accordance with this policy, as harassment. (i.e. disapproving comments or criticism of employees who use time for lactation; jokes, comments, or ridicule that may result in embarrassment for employees whether lactating or not; tampering with or theft of lactation equipment or stored pumped milk; altering or scheduling over break times or planned break times intended for lactation purposes.)
- Require use of the Employer Breastfeeding Accommodation Form. The form must be provided to all employees planning to take maternity leave with the expectation that it be returned 30 days prior to the expected maternity leave start date, if practical. This ensures school administration is prepared to provide appropriate accommodations when the employee returns to work.

Breastfeeding Students:

Timber Lake School District 20-3 will:

- Recognize the responsibility a student mother has to both her education and her child when she returns to school. We are aware that there are many health benefits associated with breastfeeding and that students may miss less school caring for sick kids if they breastfeed.
- Support students who breastfeed at school and we are committed to helping our students continue breastfeeding when they return.
- Provide reasonable time for a student to express breast milk for her child for 1 year after the child's birth each time a student has need to express breast milk.
- Provide access to the schools Nursing Room located in the main office, which is a private space (NOT a bathroom) that is shielded from view and free from intrusion from students and school staff.

- The space will provide a power source, comfortable chair, sink and refrigerator for breast milk storage in the room or nearby (a community fridge will suffice for breast milk storage), reasonable method for scheduling use (i.e. paper sign-up sheet, dry-erase board, or online scheduler as time allotted for scheduling is usually 30-minute increments), and privacy signage.
- School janitorial staff will clean as part of routine cleaning regimen.
- Faculty, staff, and student needs take priority when space is open to visitors during school events and activities.
- If the Nursing Room is occupied, the school will help find an alternative private space, that is not a restroom, shielded from view and free from intrusion of students and staff.
- Allow student mothers to bring a breast pump and any other equipment used to express breast milk on school grounds.
- Ensure a student does not incur an academic penalty for using any of these reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use.
- Provide annual staff education that will explain why breastfeeding students need support from all school staff.
- Treat conduct that reasonably interferes with a student's performance, that creates an intimidating, hostile, or offensive environment, or that inhibits a student's ability to breastfeed or express milk in accordance with this policy, as harassment. (i.e. disapproving comments or criticism by other students or staff toward students who use time for lactation; jokes, comments, or ridicule that may result in embarrassment for students; tampering with or theft of lactation equipment or stored pumped milk.)

Breastfeeding Visitors:

Timber Lake School District 20-3 will:

- Comply with South Dakota codified law 25-5-35 at all school events and extra-curricular activities occurring on school grounds.
 - SD codified law 25-5-35 states, "Breastfeeding permitted in certain locations. A mother may breastfeed her child in any location, public or private, where the mother and child are otherwise authorized to be present as long as the mother is in compliance with all other state and municipal laws. However, no municipality may outright ban breastfeeding in public places."
- Provide public access to the schools Nursing Room during school events and extra-curricular activities.
 - Faculty, staff, and student needs take priority when space is open to visitors during school events and activities.

Adopted: 11/13/2019

NEPN Code: IAJ

EDUCATION OF STUDENTS IN FOSTER CARE

Policy Statement: Children in foster care are often a vulnerable and highly mobile student population. Children in foster care typically make more unscheduled school changes than their peers in a given school year. Compared to their peers, students in foster care experience lower high school graduation rates, lower scores on academic assessments, and higher rates of grade retention, chronic absenteeism, suspensions, and expulsions.

It is therefore the policy of the District that children currently enrolled in the District remain as students in the District while in foster care unless there is a determination that it is not in the student's best interest to continue to attend school in the District. It is also the policy of the District that a nonresident student placed in foster care located within the District shall be immediately enrolled in the District if it's not in the child's best interest to stay in the student's district of residence, even if the student is unable to produce records normally required for enrollment.

Definition of Foster Care: Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility, and includes placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments

are made by the State, Tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Notification to the District. The Department of Social Services, Division of Child Protection Services (CPS) will notify the District within one school day when a student has been placed into foster care or has a change in his or her living arrangements. The CPS will also inform if placement could result in a change to the student's school. The District will immediately update the student's foster care status in the student database.

Best Interest. The best interest determination must be based on multiple student-centered factors, including but not limited to appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. The District and the Department of Social Services, Division of Child Protection Services (CPS) will collaborate to develop a joint process for making best interest determinations. The student will remain in his or her school of origin until the District and CPS make a best interest determination. CPS and the District will make a best interest determination within five school days of the student's foster care placement, except in emergency removal situations. CPS and the District will document the decision and next steps. Transportation costs should not be a factor. The District and CPS shall consult the student, if appropriate, and adults who have meaningful relationships with child. If the District and CPS cannot agree on what is in the best interest of the student, the ultimate decision resides with the CPS. To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves.

Immediate Enrollment of Child Placed in Foster Care. If it is not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school and eligible to attend classes and receive appropriate academic services even if the student is unable to produce records normally required for enrollment. The enrolling school shall the day of enrollment contact the school last attended to obtain relevant academic and other records and the school of origin is to send the student's records within one school day. CPS will provide the new school with as much information as possible about the student (such as age, grade and academic history) to ensure appropriate support and placement until the school receives relevant records from the school of origin. If the enrolling school does not know the student's grade, it can give grade-level assessments to determine a student's placement until the school receives relevant records. The new school will provide the student appropriate credit for full or partial coursework satisfactorily completed while attending prior school(s).

Transportation. If the District and CPS determine the child should stay in the District, the District and CPS will develop and implement a plan to provide, arrange and fund transportation within five school days of the best interest determination. If the District is the school of origin and there are additional costs incurred in providing transportation, the District will provide transportation if PCS agrees to reimburse the District, if the District agrees to pay the cost, or if the District and local CPS agree to share the cost. The District and CPS will arrange interim transportation until permanent transportation plans are in place.

Point of Contact: The Board shall designate a Point of Contact (POC) for CPS and inform CPS of the person designated. The POC shall be responsibilities for coordinating with local CPS to develop a process for implementation of Every Student Succeeds Act (ESSA) provisions and shall have the capacity and resources to guide the implementation of the ESSA provisions.

DISPUTE RESOLUTION PROCESS

Disputes between the district and the student's caregiver/education decision-maker:

Level I.

The student's caregiver or education decision-maker may dispute the district's best interest determination, transportation decision, or the provision of any other education-related service for a student in foster care. They may do so by providing the District or the District's Foster Care Point of Contact (POC) with written notice of the dispute within fourteen (14) calendar days of receiving notice of the district's determination (e.g., that the district intends to enroll the student in a school other than the school of origin or the school requested by the caregiver or the education decision-maker).

The notice of dispute, if provided to the district, will be immediately forwarded to the Foster Care POC, or if that person is unavailable, another designee. The POC will log receipt of the notice (including the date and time), and then forward a copy of this documentation to their immediate supervisor and the superintendent or designee. The Liaison will make a decision on the dispute within seven (7) calendar days of receipt and inform the caregiver or educational decision-maker in writing of the result. The following documents will be included with the decision in an "appeals package":

- A copy of the original notice of dispute;

- Any additional information from the caregiver or educational decision-maker and/or foster care liaison; and
- Instructions on appealing the decision to Level II. The liaison will verify receipt of the written decision by the caregiver or education decision-maker.

Level II.

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he or she may appeal the decision to the Superintendent or his/her designee. He or she may do so by providing the Superintendent's office with a copy of the Level I appeals package within fourteen (14) calendar days of their receipt of the Level I decision.

Within seven (7) calendar days of the notification to the district that the caregiver or education decision-maker intends to appeal, the Superintendent or designee will arrange to meet within a reasonably expeditious time period either in-person or through phone/video conference with the student's caregiver or educational decision-maker, the student if appropriate, and at least one representative from CPS. If it is not possible for the CPS representative to be present within a reasonable time, the Superintendent or designee will document their efforts to include the representative and proceed with the conference.

Within seven (7) calendar days of the conference, the Superintendent or designee will provide the caregiver or educational decision-maker with a written decision, supporting evidence, reasons for the decision and an appeals package that includes:

- A copy of the initial dispute filed at Level I and the Level I decision;
- The Level II decision rendered by the Superintendent or designee;
- Any additional information from the caregiver or education decision-maker and/or foster care liaison;
- Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute.

The District's Foster Care POC will also be provided a copy of the Level II decision and appeals package. The POC will be responsible for verifying receipt of the decision and appeals package by the caregiver or educational decision-maker.

Level III.

If the caregiver or education decision-maker disagrees with the decision of Superintendent or designee, he or she may appeal the decision by notifying the district's foster care liaison within fourteen (14) calendar days of receipt of the Level II decision of their intent to file a Level III appeal. The Superintendent or designee will forward all written and electronic documentation to the South Dakota Department of Education State Foster Care Liaison within seven (7) calendar days of receiving notification of the caregiver or education decision-maker's intent to file a Level III appeal.

Disputes between the district and the child welfare agency. In the event that the district and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a student in foster care (e.g., failure to collaborate, transportation reimbursements, date sharing, records release policies), either party may forward the dispute in writing to the South Dakota Department of Education State Foster.

Adopted: 7/15/2020

NEPN Code: IAK

Students Alternative Instruction

Children of compulsory school age must regularly attend school, either public, nonpublic, or alternative instruction.

Notification:

Notification of alternative instruction must be submitted on the South Dakota Department of Education notification form that declares the child will be provided with alternative instruction. The notification may be submitted electronically through the SD Department of Education's online system or by providing the completed paper notification form to the District or the SD Department of Education. If the District receives a completed paper notification form, the District will date and sign or stamp the form acknowledging receipt of the notification and provide a copy to the parent, guardian or other person having control of the child. The District will then provide the completed paper notification form to the SD

Department of Education. The notification will be kept confidential.

The alternative instruction notification shall be submitted to the SD Department of Education or the District within thirty (30) days from the first time the child begins an alternative instruction program, enrolls in a public or nonpublic school, or moves to a different school district.

Upon filing of a notification with the SD Department of Education or the District from the parent, guardian or other person having control of the child, the South Dakota Department of Education or the District has been notified that the child is being provided with alternative instruction.

Enrollment on Partial Basis:

Upon request from a child's parent or legal guardian, the District will admit a child who is a resident of the District who is being provided alternative instruction to enroll in one or more classes, while receiving alternative instruction for the balance of his or her education. Upon enrollment, the partially enrolled alternative instruction students must comply with the District's rules and procedures and have the same rights and responsibilities as publicly enrolled students.

Open Enrollment:

School board approval is required in order for a nonresident alternative instruction student to be enrolled in the District, in accordance with the District's open enrollment policy.

Adopted: 10/13/21

NEPN Code: IAL

Student Enrolling from Alternative Instruction and Unaccredited Schools

An elementary aged child who has been attending an unaccredited school in another state or country or has been receiving alternative instruction and seeks to enroll in the District shall be placed at the child's demonstrated level of proficiency as established by the standardized test administered to enrolled students in that grade in this District. Such child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his or her demonstrated performance.

A child of secondary school age who has been attending an unaccredited school in another state or country or has been receiving alternative instruction who seeks to enroll in the District shall be placed in English and math at the level of achievement demonstrated by standardized tests administered to enrolled students of that age, and in all other subjects on a review of transcripts according to this policy. The child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his/her demonstrated performance.

Procedures for determining units of credit for high school age students who have attended an unaccredited school or alternative program:

1. The principal shall appoint a credit review committee consisting of the high school staff deemed appropriate, and the parents or guardians. The purpose of the credit review committee is to make recommendations to the principal regarding which high school credits should be awarded to the applicant for work completed in the unaccredited school or alternative instruction program.

2. The credit review committee shall ensure that the student enrolling has completed at least one standardized achievement test in the areas of English and Math selected by and administered by the school district.
3. The credit review committee shall recommend to the principal units of credit for English and Mathematics based on the student's composite Subtest achievement scores in Reading (English) and Mathematics as deemed appropriate by the committee.
4. The credit review committee shall recommend to the principal units of credit for subjects other than English and Mathematics based upon factors, including but not limited to the following: classes taken, transcripts, class or course syllabus for each course taken, and District approved minimum competency tests in particular subject areas.
5. Should there not be a consensus within the credit review committee, the committee shall submit to the principal the differing recommendations and the rationale for each recommendation given.
6. Upon receipt of the credit review committee recommendations, the principal shall determine which credits are to be applied for purposes of grade and class placement and toward graduation credits.
7. All students who have attended an unaccredited school or alternative program and enrolling in the District shall be required to meet District graduation requirements before being issued a diploma.

Any parent or guardian who is dissatisfied with the District's placement of the child may appeal it to the secretary of the Department of Education.

The following procedure shall be used to address an appeal of the Principal's placement decision.

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. 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 Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the

Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.

4. The Superintendent's decision may be appealed by the Complainant to the Secretary of Education within (10) ten calendar days of receipt of the Superintendent's written decision.

Adopted: 10/13/21

NEPN Code: IAM

Exemptions from School Attendance

GED PROGRAM: Students aged 16 years of age or older will be exempt from compulsory attendance provided they are enrolled in and participating in a school-based or school contracted Graduate Equivalency Degree (GED) program . The student must present written permission from the student's parent or guardian and meets one or more of the following five conditions:

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.

RELIGIOUS EXEMPTION AFTER EIGHTH GRADE: A child of compulsory school age who has successfully completed the first eight grades is excused from compulsory school attendance if:

1. The child or the parents of the child are members of a recognized church or religious denomination that objects to the regular public high school education; and
2. The recognized church or religious denomination either individually or in cooperation with another recognized church or religious denomination provides a regularly supervised program of instruction in which each child participates in learning activities appropriate to the adult occupation that the child is likely to assume in later years.

STUDENT EXCUSED BECAUSE OF ILLNESS IN FAMILY: The School Board may excuse a child from school attendance because of serious illness in his immediate family, making his presence at home an actual necessity, or his presence in school a menace to the health of other pupils. The School Board may require the submission of medical evidence as a condition of granting an excuse pursuant to this section.

STUDENT EXCUSED TO ATTEND STATE OR NATIONALLY RECOGNIZED YOUTH EVENTS, AND WORK AS PRECINCT ELECTION OFFICIAL: A student is eligible to be counted for school attendance up to five days in a school term if an excuse from actual school attendance is requested by a parent or guardian for the purpose of attending events of state or nationally recognized youth programs of

educational value or for the purpose of working as a precinct election official if the student is at least eighteen years old.

Adopted: 10/13/21