
Section J: Students

JA	Student Goals
JB	Equal Educational Opportunities
JC	School Attendance Areas
JEA	Compulsory Attendance
JEAA	Students Alternative Instruction
JEB	Entrance Age
JEC	Admissions
JECA	Admissions of Resident Students
JECAA	Admissions of New Students
JECB	Open Enrollment
JECBA	Foreign Exchange Students
JECD	Extra-Curricular Activities
JECDD	Interscholastic Activities (IGDK)
JECE	Student Withdrawal From School
JED	Student Absences and Excuses
JEDA	Attendance/Truancy Policy for Grades K-5 and Grades 6-12
JEDAA	Truancy
JEDB	Student Dismissal Precautions
JEE	Student Attendance Accounting
JEF	Release Time for Religious Practice
JEFA	Senior Privileges
JFCA	Dress Code
JFCB	Dances
JFCB-A	Electronic Devices Policy
JFCD	Cyber Bullying
JFCE	Bullying
JFCE-R	Bullying Regulation
JFCJ	Dangerous Weapons in School
JFCL	Student Registered Sex Offenders

JFEE	Participation in Work Study Programs
JFG	Interrogations and Searches
JFH	Student Complaints and Grievances
JFHA	Suspension
JGA	Prohibition of Corporal Punishment
JGD	Student Suspension or Expulsion
JGD-R	Procedures of Student Suspensions and Expulsions
JHC	Student Health
JHCA	Physical Examination and Inoculations of Students
JHCAA	Concussions
JHCC	Student Communicable Diseases
JHCD	Administration of Medication to Students
JHCD-E	Consent for Medication Administration Form
JHCDA	Student Self-Administration of Asthma or Anaphylaxis Medication
JHCDA-E	Authorization for Asthma or Anaphylaxis Medication
JHCDB	Epinephrine Auto-Injectors
JHD	Student Psychological Service
JHDA	Student Welfare Crisis Intervention
JHFA	Supervision of Students
JHFB	Student Safety Patrol
JHFD	Student Vehicle Use
JHFE	Cheerleader Pyramids
JHG	Reporting Child Abuse
JL	Student Gifts and Solicitation
JN	Student Fees, Fines, and Charges
JNA	Loaning of Textbooks
JO	Student Records
JO-E	Student Records Form
JO-N	Family Educational Rights and Privacy Act – Notice of Rights
JOA	Student Directory Information
JOA-N	Family Educational Rights and Privacy Act – Student Directory Information
JOB	Student Surveys
JOB-E	Permission Form for Survey, Analysis, or Evaluation
JOB-N	Protection of Pupil Rights Amendment

STUDENT GOALS

The student is the focal point of all operations of a school district, consequently, the board will spend much of its time in study, deliberation, and policy formulation on matters directly related to students.

The Board and staff will work together to establish an environment conducive to the best learning achievements for each student through meeting the following goals regarding students.

1. To tailor the learning program in order to provide appropriately for each student according to his or her specific background, capabilities, learning styles, interests, and aspirations;
2. To protect and observe the legal rights of students;
3. To enhance the self-image of each student by helping him or her feel respected and worthy through a learning environment that provides positive encouragement through frequent success;
4. To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens;
5. To deal with students in matters of discipline in a just and constructive manner;
6. To provide for the safety, health, and welfare of students;
7. To promote faithful attendance and good work.

Adopted: November 12, 2014

EQUAL EDUCATIONAL OPPORTUNITIES

All students of the district will have equal educational opportunities. The Board will not discriminate on the basis of race, color, creed, religion, sex, handicap, economic status, national origin, or ancestry in its policies or programs.

To accomplish this policy on nondiscrimination, the Board will make every effort to provide all students equal access with respect to admission or membership in school-sponsored organizations, clubs, or activities; access to facilities; distribution of funds; academic evaluations; or any other aspect of school-sponsored programs or activities.

The Board recognizes, however, that in implementing this policy, children vary widely in capabilities, interests and social and economic background, and that no two children can be treated exactly alike if the fullest development of each is to be achieved.

Adopted: November 12, 2014

Legal References: Public Law 92-318 (Title IX Education Amendments of 1972), Public Law 94-142 (Education of all Handicapped Children Act) , The American Disabilities Act (July 26, 1990),

SDCL 13-28-14 (School privileges of persons honorably discharged from military service)

SDCL-13-28-5 (Public school privileges free to children of legal age)

SDCL-13-28-6 (Continuation of privileges to pupil becoming twenty-one during school year.)

SCHOOL ATTENDANCE AREAS

The School Board will determine attendance areas for the various schools of the district, as recommended by the superintendent. In recommending boundary lines, the superintendent will take into consideration the best use of school facilities, the equalization of enrollments in classrooms, natural barriers, and traffic hazards and patterns. Except as the foregoing factors influenced boundary lines, the areas established should permit each student to attend the school nearest his place of residence.

Students are expected to attend the school in the area in which they live. Individual exceptions may be made as they fall within School Board policy or are in the best interests of the student and/or the school.

Parents wishing to change their assigned attendance area must appeal to the School Board prior to the new school year. Any parent or guardian who is not satisfied with the decision of the School Board may, within 30 days, request a hearing before the SD State Secretary of Education. The decision of the Secretary of Education is final, unless the matter is appealed to the courts.

Individual school attendance boundaries may be changed as population warrants or as capacities of buildings require adjustments of student numbers.

Adopted: March 11, 1985

Amended: January 11, 2010

Amended: January 13, 2014

Revised: November 12, 2014

LEGAL REFS.: SDCL 13-23-1 THROUGH 13-23-3; 13-23-8; 13-23-9

COMPULSORY ATTENDANCE AGES

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 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 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:

1. Sixteen or seventeen years of age, and
2. The student must present written permission from the student's parent or guardian and one of the following:
 - Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
 - Authorization from a court services officer;
 - A court order requiring the child to enter the program;
 - Verification that the child is under the direction of the Department of Corrections; or
 - 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.

Adopted: June 10, 1985

Amended: January 13, 2014

Reviewed: October 13, 2014

Legal References: SDCL 13-27-1 (Responsibility for school attendance)
SDCL 13-27-11 (Failure to send child to school)
SDCL 13-27-12 (Enforcement powers and duty of secretary)
SDCL 13-27-16 (Warnings by school board)
SDCL 13-27-2 (Attendance excused by school board)
SDCL 13-32-4.1 (Attendance policy required)

STUDENTS ALTERNATIVE INSTRUCTION

EXCUSE FROM SCHOOL

Children of compulsory school age must regularly attend some public or non-public school, unless excused from school attendance. A child will be excused from school attendance if a child is provided with alternative instruction for an equivalent period of time as in the public schools in the basic skills of language arts and mathematics. Any parent or guardian of a child of compulsory school age may request that the child be excused from school attendance. The request for alternative instruction must be filed annually.

All requests for alternative instruction must be in writing. The form for requests for a child to be provided with alternative instruction is provided by the South Dakota Department of Education

RE-ENROLLMENT IN SCHOOL

Elementary Students - Any child of compulsory school age, who has been receiving alternative instruction in an unaccredited setting, seeking enrollment in the School District, shall be placed at the child's demonstrated level of proficiency established by the District's standardized tests. The child's placement may not be at a grade level higher than warranted by the child's chronological age, assuming entry to the first grade at age six (6) years and annual grade advancement thereafter. The standardized test shall be administered by school personnel and scored as required by the test protocols.

Secondary Students - Any student who has been receiving alternative instruction in an unaccredited setting and seeks enrollment in the Public School in grades 9 or above, shall be placed in the grade level established by standardized English and mathematics tests, to be administered by the District. The student shall be assigned the minimum passing credit for the grade levels associated with the standardized tests.

Appeals of Decisions - Any parent, guardian, or eighteen (18) year old student aggrieved by a grade or credit determination may, pursuant to this policy, appeal the determination to the School Board. Decisions made by the school board under this policy may be appealed to the Secretary of the Department of Education.

The student may request credit for any other subject equivalent to a subject provided by the Schools. The high school principal shall review the student's alternative instruction transcript and may award credits based upon the student's performance on teacher-made tests provided to students in similar courses in the Schools. Any such credits so awarded shall count towards the student's required credits for graduation.

Adopted: November 12, 2014

Legal SDCL 13-27-1 (Responsibility of person controlling child for school attendance)
References: SDCL 13-27-29 (Placement of child who has attended unaccredited school or alternative program)
 SDCL 13-27-3 (Child excused if provided alternative instruction)
 SDCL 13-27-7 (Applications for excuse from attendance)
 SDCL 13-27-8 (Appeal on attendance matters to state board)
 SDCL 13-27-9 (Record of certificates of excuse from attendance)

Cross References: JECAA: Admission of New Residents and Students from Unaccredited Schools

ENTRANCE AGE

KINDERGARTEN

All children entering kindergarten for the first time must be five (5) years of age on or before September 1.

When a child has been enrolled in kindergarten prior to moving to the district and does not meet South Dakota entrance age requirements, a conference involving the building principal, the teacher, and the parent will be held. The parent will be informed that the child will be placed in kindergarten on a trial basis until such time as the principal and teacher can determine whether the welfare of the child can best be served by retaining him or her in school or by withholding admission until the following school year. In most cases, the trial period will not exceed two or three weeks.

FIRST GRADE

All children entering first grade must be six (6) years of age before September 1. A parent may request a waiver of compulsory attendance requirement under the age of seven years of age. First grade transfer students who do not meet state age requirements will be handled in the same manner as the kindergarten students. A student not yet prepared for first grade may be placed in kindergarten.

Proof of birth date will be required, by submitting a certified copy of the child's birth certificate or affidavit. The school will make a copy of the original and place it in the school files.

Adopted: April 24, 1984

Revised: November 12, 2014

Legal SDCL 13-27-1 (Responsibility of person controlling child for school attendance)

References: SDCL 13-27-3.1 (Birth certificate or affidavit to be submitted)

SDCL 13-28-2 (Kindergarten enrollment eligibility)

SCHOOL ADMISSIONS

In accordance with state law, all persons over five and under 21 years of age and all veterans (except dishonorably discharged veterans) who are residents of the district will be eligible to attend the public schools free of charge, if they have not already received a high school diploma.

Upon registration, all new students will be required to present:

1. Proof of date of birth
2. Record of immunizations and a health certificate from a licensed physician
3. Proof of residency, if requested

Adopted: 05/14/1984

Legal References

SDCL 13-25-5
13-28-7
13-28-7.1
13-28-14
ARSD 24:03:09:09

Cross References

JHCA/JHCB, Physical Examinations of Students/Inoculations of Students

ADMISSION OF RESIDENT STUDENTS

The legal residence of a student, for the purpose of claiming free school privileges under the South Dakota Constitution will mean the legal residence or domicile of the student's parents or legal guardian.

The parents or legal guardian may not establish residency in a district for the sole purpose of obtaining free schooling in that district.

A child's school residence may not change during the school fiscal year unless the child ceases to be enrolled in the school of the district.

When a child is residing in a foster home on a permanent or temporary basis, the child has school residence in the district where the foster home is located.

Adopted: November 12, 2001

Reviewed: October 13, 2014

Legal References: SDCL 13-28-10 (School residency of child)

SDCL 13-28-9 (School residence for free school privileges)

Cross References: JEC: School Admissions

ADMISSION OF NEW RESIDENTS AND
STUDENTS FROM UNACCREDITED SCHOOLS

Grade placement shall be the responsibility of the principal. In general, pupils transferring into the system from accredited schools will be placed in the same grade level as in the school from which they transferred.

A student of compulsory school age, that has been attending an unaccredited school or receiving alternate instruction and enrolls in the school district, shall be placed at the students demonstrated level of proficiency as established by one or more standardized tests. The student's initial placement may not be in a grade level higher than warranted by the student's chronological age assuming entry into the first grade at age six and annual advancement thereafter. After initial placement the student may be advanced according to his or her demonstrated performance.

High school credit will be accepted from high schools approved by the state department of education and/or regional accrediting agencies similar to the North Central Association of Colleges and Schools. A student, who has attended an unaccredited school or has been receiving alternate instruction and enrolls in the school district, shall be placed in English and Mathematics at the level of achievement demonstrated by one or two standardized tests. In all other subjects the principal shall take into consideration transcripts; general achievement; and mental, physical, emotional and social maturity of the student before grade placement.

The student's initial placement may not be in a grade level higher than warranted by the student's chronological age assuming entry into the first grade at age six and annual advancement thereafter. After initial placement the student may be advanced according to his or her demonstrated performance. A student to graduate from high school must meet graduation requirements of the state and school district.

Adopted: May 14, 1984

Reviewed: October 13, 2014

Legal SDCL 13-27-1 (Responsibility of person controlling child for school attendance)
References: SDCL 13-27-29 (Placement of child who has attended unaccredited school or
 alternative program)
 SDCL 13-27-3 (Child excused if provided alternative instruction)
 SDCL 13-28-21 (Admission of nonresident students)

OPEN ENROLLMENT

State law provides nonresident parents and students an opportunity to apply for enrollment within the District. It also allows resident parents and students an opportunity to apply for enrollment in an attendance center within the District other than that to which the student has been assigned.

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides in another school district (i.e., nonresident student), and who wishes to enroll the student in the District, or the parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides within the District and wishes to enroll the student at an attendance center within the District other than that to which the student has been assigned, must apply to open enroll in the School District.

Nonresident student open enrollment: The District shall grant a request for a transfer into the district of a child who is a resident of another school district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

Nonresident alternative instruction student open enrollment: The District shall grant a request to admit into the district a child who is a resident of another school district and who is receiving alternative instruction in the resident district pursuant to law, unless admitting the nonresident child would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

Resident student open enrollment to different attendance center: The District shall grant a request from a resident of the District for a student transfer to an attendance center within the District other than that to which the student has been assigned unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

A copy of this policy will be provided to parents, guardians and emancipated students who wish to submit an open enrollment application. It shall also be provided to any other interested person upon request.

A. GENERAL RULES:

1. Transfers from another school district into the District may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If the District approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If the District approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. The deadlines for transfer do not apply if:

- a) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
- b) A student enrolls in a school district after the deadline in either semester; or
- c) The District's Superintendent determines that special circumstances exist and allows a student to transfer into the District after the deadline.

2. All nonresident requests for open enrollment into the District must be submitted to the District's

Superintendent on the official application form provided by the South Dakota Department of Education.

3. Nonresident student open enrollment applications to attend school within the District will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the District, that student's application shall take priority over all other applications.

4. The Superintendent shall either approve or deny the application for open enrollment. A decision of the Superintendent to deny an open enrollment application may be appealed to the School Board. A decision of the School Board to deny student's application for open enrollment may be appealed to the circuit court pursuant to State Law. (a)

5. Decisions to accept or reject open enrollment applications will be based on the criteria listed in "Open Enrollment Application Standards" (Section C).

6. The applicant and the resident school board will be notified within five days of the decision.

7. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the District's Superintendent.

8. Once approved by the District, the approved application serves as the applicant's notice of intent to enroll in the District and obligates the student to attend school within the District during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district. A decision by either school board to deny a request to return to the resident school district may be appealed to circuit court pursuant to law.

9. Once enrolled under open enrollment in the District, the student may remain enrolled and is not required to resubmit annual applications.

10. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement. (b)

11. The District shall accept credits for any course completed in any other accredited school district but shall award a diploma to a nonresident student only if the student satisfactorily meets the District's graduation requirements.

12. If two or more nonresident students from the same family, residing in the same household, request open enrollment into the District, all requests from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. However, if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment.

13. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed. (c)

14. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

B. RESIDENT STUDENT TRANSFERS:

The provisions of this policy apply to resident student transfers (applications to attend an attendance center different than that to which the student is assigned) except as modified below:

Resident student open enrollment applications to attend an attendance center within the District other than that to which the student has been assigned will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the attendance center to which the applicant is wishing to enroll, that student's application shall take priority over all other applications.

If a student is transferred from one attendance center to another attendance center within the District at the request of the student's parent or guardian, the District shall not provide transportation services to the student.

C. OPEN ENROLLMENT APPLICATION STANDARDS: (e)

The following standards will be used to accept or reject nonresident student open enrollment applications to enroll within the District and resident student applications to attend an attendance center within the District other than that to which the student was assigned:

Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only and actual class sizes may be greater than the capacity listed below because of students residing within the school district and school attendance center area.

Kindergarten through grades five: The student to teacher ratio shall not exceed students in each grade as a result of open enrollment.

Grade six through grade eight: The student to teacher ratio for core classes may not exceed students in each grade as a result of open enrollment.

Grade nine through grade twelve: Enrollment may not exceed attendance center building capacity.

An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.

Open enrollment of a special education student will not be approved if the student cannot be accommodated at current staffing levels or the program is at capacity.

D. OPEN ENROLLMENT OF SPECIAL EDUCATION STUDENTS:

A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the School District determines that the district can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs. If the request to transfer is granted, the district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the district shall provide or ensure the provision of transportation within the boundaries of the District.

If the District is not able to confirm that the District can provide an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District shall initiate an individual education program team meeting consisting of representatives from the District, the resident school district and the parents or guardians, to determine whether the District can provide an appropriate instructional program, facilities, and transportation necessary.

A request to transfer a student in need of special education or special education and related services may be denied only pursuant to the "Open Enrollment Application Standards" (Section C) or if the individual education program team as set forth in "Open Enrollment of Special Education Students" (Section D.2.) determines that the District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.

If a parent or guardian of a student in need of special education or special education and related services request to transfer the student back to the resident district, the affected school boards must agree in writing to allow the student to transfer back to the resident district or unless the parents, guardian, or emancipated student change residence to another district.

If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for the special education student(s), the applications shall be approved subject to consideration of the Open Enrollment Application Standards (Section C). However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the individual special education student(s).

If it is determined that a parent or guardian of a student, or an emancipated student, in need of special education or special education and related services submitted a request for an open enrollment transfer, but did not indicate on the application that the student has an IEP and needs special education services, as required on the form, any approval by the District of the open enrollment transfer application will be deemed void.

Adopted: October 13, 1997

Revised: April 17, 2014

Reviewed: October 13, 2014

Legal References:

SDCL 13-28-48 (Nonresident district must serve student's grade level)
SDCL 13-28-40 (Enrollment options program established)
SDCL 13-28-41 (Request for transfer)
SDCL 13-28-41.1 (District not required to provide transportation)
SDCL 13-28-42.1 (Transfer of special education students)
SDCL 13-28-43 (Enrollment of student in other than resident district)
SDCL 13-28-44 (Standards for acceptance or rejection of application)
SDCL 13-28-45 (Transportation of transfer student)
SDCL 13-28-46 (Transfer credits)
SDCL 13-32-4.3 (Effect of suspension or expulsion on enrollment)
SDCL 13-28-47 (Disclosure)
SDCL 13-46 (Appeals in school matters)

Cross References:

IGBA: Programs for Handicapped Children

JECC: Assignment of Students to Schools

JEAA: Students Alternative Instruction

Notes:

(a) SDCL 13-28-43 says the School Board or the Board's designee may approve or disapprove the application. ASBSD recommends that the Superintendent be designated by the Board as most school boards meet only once a month on the second Monday of the month.

(b) For nonresident open enrollments, SDCL 13-28-45 states that the parents/guardians are responsible for transportation, without reimbursement, of the student but the District may provide the transportation, and if provided, the District may charge a reasonable fee if the student uses District provided transportation. SDCL 13-28-45 also says school boards of both the receiving school district and the resident school district must annually approve the pick-up locations for those students within any incorporated municipality but this requirement does not apply to any school district defined as a sparse school district pursuant to § 13-13-78.

(c) SDCL 13-32-4.3 states that if a student is under suspension or expulsion in a South Dakota school district, the student may not enroll in any other school district until the suspension or expulsion has expired, and also that the superintendent of a school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state.

(d) SDCL 13-28-41.1. School district not required to provide transportation to student transferred within district. If a student is transferred from one school to another school within a school district at the request of the student's parent or guardian, notwithstanding any other provision of law, the school district is not required to provide transportation services to the student.

(e) SDCL 13-28-44 states that "Standards shall be limited to the capacity of a program, class, grade level, and school building operated by the board and the pupil/teacher ratio. Discrimination based on race, gender, religious affiliation, or disability is prohibited" a school board may or may not want to have capacity of the program, class or grade level specifically identified in the school district policy.

FOREIGN EXCHANGE STUDENTS

Foreign exchange students must meet all district entrance requirements (i.e., age, place of residence, immunization). International students will be able to participate in a foreign exchange program approved by the school board;

Proper I-20 forms (US Department of Homeland Security documents) and any other required papers must be processed by the district, the student, and the sponsoring organization before an international student can be formally admitted to school. The school board reserves the right to limit the number of foreign exchange students, require a proficiency level of English, and limit participation to grades 11 and 12 in order to insure the continued quality of educational programming in the school district.

Adopted: November 12, 2014

Legal References: Immigration Reform and Control Act of 1986

SDCL 13-27-3.1 (Birth certificate or affidavit to be submitted)

SDCL 13-28-10 (School residency of child)

SDCL 13-28-5 (Public school privileges free to children of legal age)

SDCL 13-28-7.1 (Tests and immunizations for communicable diseases)

SDCL 13-28-9 (School residence for free school privileges)

**PARTICIPATION OF ALTERNATIVE INSTRUCTION STUDENTS IN
EXTRA-CURRICULAR ACTIVITIES**

1. Alternative instruction students may participate in Harding County School District sponsored activities.
2. Harding County School District sponsored high school co-curricular activities are governed by the rules of the South Dakota High School Activities Association.
3. The participation of school age students in Harding County School District sponsored co-curricular activities will be approved by the school district activities director, provided the students meet the requirements established by the SDHSSA and local district policy handbooks and regulations.
4. In addition, the students must meet the following criteria:
 - a. State law requires the district to have on file the student's birth certificate as well as proof of immunizations.
 - b. Proof of course attendance must be provided to the activities director at least once per week.
 - c. Proof of satisfactory standardized test scores must be provided to the activities director as often as the tests are required.
 - d. Proof of passing grades must be provided to the activities director at the end of every week.
 - e. Proof of quality coursework must be provided in a portfolio format for review by the activities director and/or principal.
 - f. All forms must be completed and filed with the activities director prior to participation.

Adopted: 04/13/2004

Reviewed: 10/13/2014

Legal References

Cross References

STUDENT PARTICIPATION – INTERSCHOLASTIC ACTIVITIES

Students in grade seven (7) and grade eight (8) may participated in high school interscholastic varsity athletics. Participation shall be regulated by the by-laws of the South Dakota High School Activities Association and the following Harding County School District Policy:

*If a grade seven (7) or grade eight (8) student participates on a varsity team, the district will need written permission from parent(s).

Football

The Harding County School District sponsors three (3) levels of interscholastic football teams.

Middle School – Involves players from grades 6-8

Junior Varsity – May involve players from grades 7-12

Varsity – May involve places from grades 8-12

7th and 8th grade students may participate in junior varsity practices, scrimmages, and games. Coaches shall insure that scrimmages and interscholastic games involving both 7th and 8th grade students and varsity players will be minimal. 8th grade students may participate on the varsity team but may not participated on a grade team if he/she participates in a varsity game.

Basketball

The Harding County School District sponsors three (3) levels of interscholastic basketball teams.

Middle School – Involves players from grades 6-8

Junior Varsity – May involve players from grades 7-12

Varsity – May involve places from grades 8-12

7th and 8th grade players be included and participate as members of the varsity and next lower level team. However, a 7th and 8th grade player may not participate on a grade team if he/she participates on the varsity.

Wrestling

The Harding County School District sponsors two (2) levels of interscholastic wrestling teams.

Middle School – Involves players from grades 6-8

Varsity – May involve places from grades 7-12

7th and 8th grade students may participate in varsity matches and tournaments.

Volleyball

The Harding County School District sponsors three (3) levels of interscholastic volleyball teams.

Middle School – Involves players from grades 6-8

Junior Varsity – May involve players from grades 7-12

Varsity – May involve players from grades 7-12

7th and 8th grade players be included and participate as members of the varsity and next lower level team. However, a 7th and 8th grade player may not participate on a grade team if he/she participates on the varsity.

Track and Field

The Harding County School District sponsors two (2) levels of interscholastic track and field teams for both girls and boys.

Middle School – Involves players from grades 6-8

Varsity – May involve players from grades 7-12

Note: 7th and 8th grade students may participate in High School Track Meets. However, they are restricted to the one event if they run the 3200-meter run.

Cross Country

The Harding County School District sponsors two (2) levels of interscholastic cross country teams for both boys and girls.

Middle School – Involves players from grades 6-8

Varsity – May involve players from grades 7-12

Note: 7th and 8th grade students may participate in High School Cross Country Meets.

*7th and 8th grade students are not eligible to receive a letter from Harding County High School for participation in any varsity sport.

** Students in grade six (6) will not be allowed to participate in any junior varsity or varsity sport.

~~*** The Harding County School District does not allow a high school or middle school student to participate in two school sponsored sports that coincide with one another. (Rescinded 2017)~~

Adopted: 07/02/1985

Revised: 09/14/2015

Revised: 01/09/2017

Legal References

Cross References

STUDENT WITHDRAWAL FROM SCHOOL

Student withdrawal from school may be classified into two categories: Those who transfer to another school system, either public or private, and those who withdraw from permanent attendance at any school (dropouts).

If a student wishes to withdraw from school to transfer to another school district he or she should see the principal who will instruct him as to procedure. When transferring to another school, a student should make arrangements with the office to forward credits to the proper school. All outstanding obligations to the school the student is currently enrolled in must be satisfied before credits can be transferred.

The Board is very concerned about those students who may permanently withdraw from school. The Board believes a high school diploma signifies the minimum preparation for life. Consequently, students who withdraw from school may have less than a minimum preparation. Therefore, the Board strongly urges every teacher, guidance counselor, principal, parent, guardian and citizen to exert all influence to keep all students in school through high school graduation.

The instructional staff should be alert to potential dropouts and do everything possible to give the necessary guidance to such students. The regular school program should be organized and modified to suit the student's needs and aspirations. Conferences with parents may be necessary. All students should be asked to notify the principal before withdrawing. The school should keep in contact with students who have withdrawn.

Students who are 18 years of age, and who have parent or guardian written approval to withdraw, may withdraw from school. Each student will be informed of his or her right to be readmitted to school upon request.

Students seeking re-admittance to the district schools will be permitted to re-enroll at the beginning of established semesters, and will be required to provide notification of their intent to re-enroll one week prior to the start of a semester.

Adopted: November 12, 2014

STUDENT ABSENCES AND EXCUSES

A student's contribution to and achievement in class are directly related to attendance. Both students and parents must understand that students miss a vital portion of their education when they are absent from school.

While it is true that written work can be completed for make-up, class instruction or presentations, discussions, some audio-visual presentations, or student-teacher interaction can never be made up.

Certain absences of students will be excused by the principal on receipt of a written, signed explanation from the parent or guardian. These absences will include:

1. Illness or quarantine;
2. Bereavement or serious illness in family;
3. Weather so inclement as to endanger the health of the child;
4. Observance of major religious holidays;
5. Medical appointments that cannot be rescheduled outside of the school day;
6. A child may also be excused for other exceptional reasons with approval of the school administrator. Also with such approval, students may be excused from school attendance for up to five days each term for attendance at a state or nationally recognized youth program of educational value.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable. Any absence other than excused absence is considered truancy.

A student shall have the opportunity to make up school work missed due to an excused absence. However, it shall be the responsibility of the student to initiate a make-up procedure and schedule with his or her teachers. All make-up work shall be completed within a reasonable time following the excused absence. This time is set as two days to make up work for every excused absence day. A student shall receive full credit for schoolwork made up pursuant to an excused absence.

In the case of chronic or irregular absence reportedly due to illness, the Administration may request a physician's statement certifying the validity of such absence.

Unexcused Absences—Any absence without parental notification, which is approved by the Administration, will be considered an unexcused absence. Half-credit will be given for work missed for an absence which is not excused. The student will have after two days following the absence. However, if work is not turned in by then, the student will not receive credit.

Extra Curricular Activities and Absences:

In order to participate in any performance or practice, the student must have attended school for the full day of the performance or the last full day prior to the performance, unless prior arrangements have been made with the Principal. Examples would be funerals, sickness, weather related incidents and other serious family emergencies.

No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal.

Furthermore, the Administration shall establish necessary procedures for the purpose of controlling student absences and to encourage the completion of necessary requirements for excused absences as outlined in the Student Handbooks.

Adopted: July 9, 1984

Revised: November 12, 2014

LEGAL REFERENCES:

- SDCL 13-27-6 (Child excused because of illness in family)
- SDCL 13-27-6.1 (Student excused from attendance)
- SDCL 13-27-7 (Applications for excuse from attendance)
- SDCL 13-27-8 (Appeal on attendance matters to state board)
- SDCL 13-27-9 (Record of certificates of excuse from attendance)

CROSS REFERENCES:

JEG Exclusion and Exemptions from School Attendance

ATTENDANCE/TRUANCY POLICY FOR GRADES K-5

Regular attendance is essential to success in school. Frequent absences disrupt the continuity of the instructional process. Therefore, it is very important that students attend on a regular basis. If students have to be absent, the parents/guardians must call or send a note from home explaining the reason for the absence. If you know in advance that your child will be absent from school, please notify the teacher and office. We try to work with parents on having students make up their work missed, but make-up work is no substitute for classroom instruction.

Tardiness

Students will be counted tardy when arriving to school after the designated start time. If a student arrives at school after 10:00am or leaves before 1:30pm, he/she will be counted absent for ½ day. Consistent tardiness will be brought to the attention of the parents. Parents of students having a high rate of tardiness will be requested to confer with the teacher(s) and/or Principal in hopes of identifying the problem cooperatively while working to a satisfactory solution.

Absences

2-3 Absences—Classroom teacher may make a courtesy call by phone or note. The purpose is to state that the student has been missed and ask if there is anything the school can do.

4-5 Absences—A letter indicating this fact will be sent to parents. The letter will stress the importance of attendance to student achievement. Classroom instruction/interaction can't be made up, even though assignments can. Also, a personal contact may be made by the Principal. In cases of prolonged absence because of illness or after 5 separate absences due to illness, a doctor's statement will be required.

6 Absences—A conference with parent, teacher, counselor and/or principal, and the student (when deemed appropriate) will be requested. There will be discussion of the attendance policy and the consequences for further absences from school. A plan of action will be drawn up to include interventions for a plan of success.

10 Absences—Possible referral to the States Attorney and grade level promotion may be jeopardized.

Note: For Grades K-5, these absences are considered for entire school year and not by semester as in grades 9-12.

Truancy

1. South Dakota law (13-27-11) states that: "Any person having control of a child of compulsory school age, who fails to have the child attend school as required by the provisions of this title, is guilty of a Class 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty of a Class 1 misdemeanor."

2. Truancy is defined as any absence not approved by the school or a pattern of irregular attendance. Skipping a class and/or leaving school grounds without permission is considered truancy.

3. School procedures/consequences for truancy may include making up missed time through detention, summer school, parent notification, parent conference, suspension, and/or loss of credit. Repeated truancy instances will result in a referral to legal authorities.

Under normal circumstances, absences will be counted except as listed below:

1. Participation in school sponsored or school-approved activities.
2. If the weather is such that a parent determines the child is endangered by attendance the student will not be counted absent if school official(s) is/are notified.
3. Special needs, abilities, or circumstances will be given necessary consideration and attention as determined by administration. Long term absences may also

receive special consideration.

4. Family emergency such as:
 - A. Serious illness or family member
 - B. Death of family member
5. Other only with permission of Principal

Adopted: July 13, 2009

Revised: November 12, 2014

File: JEDA

ATTENDANCE/TRUANCY POLICY FOR GRADES 6-12

A student's achievement and success in school are directly related to attendance. Both students and parents must understand that students miss a vital portion of their education when they are absent from school. While it is true that written work can be completed for makeup, class instruction or presentation, discussions, audio/visual presentations, group work, or student-teacher interactions can never be made up.

Tardiness

Students will be counted tardy when arriving to school after the designated start time. If a student arrives at school after 10:00am or leaves before 1:30pm, he/she will be counted absent for ½ day. Consistent tardiness will be brought to the attention of the parents. Parents of students having a high rate of tardiness will be requested to confer with the teacher(s) and/or Principal in hopes of identifying the problem cooperatively while working to a satisfactory solution.

Unexcused tardies should only be excused by the parent/guardian on the day of the tardy. Students tardy 10 minutes or more to class will be marked absent rather than tardy. Individual tardy incidents will be dealt with cumulatively and will result in detention for 3 unexcused tardies school-wide. Each subsequent tardy will result in detention. Ten or more unexcused tardies will result in the student being assigned to stay after school one hour each day/four days per week. Each hour will make up one hour of absence. Extenuating circumstances involving tardies may be considered by administration.

Absences

Note: Grades 6-12 on a semester basis

5 Absences— A letter stating this fact will be sent to the parents. The letter will stress the importance of attendance to successful completion and of graduation requirements. In cases of prolonged absence because of illness or after 5 separate absences due to illness, a doctor's statement will be required.

7 Absences— A letter stating this fact will be sent to parents and the student must make up missed class time after school, one hour per day/ four days per week. A conference with a parent, student, and the counselor or principal will be requested. There will be discussion of the attendance policy and the consequences for further absences from the class(es). A plan of action will be drawn up that includes interventions for a plan of success.

10 Absences— A conference including the student, a parent, and the principal will be requested. The purpose of this conference is to inform the parent and student that because s/he has indicated an unwillingness to put forth the effort to complete academic requirements, the student may not earn credit for the course (High School Only). If parents do not attend the conference, they will be notified by phone or certified mail.

11 or more Absences - Possible referral to the State's Attorney.

Truancy

1. South Dakota law (13-27-11) states that: "Any person having control of a child of compulsory school age, who fails to have the child attend school as required by the provisions of this title, is guilty of a Class 2 misdemeanor for the first offense. For each subsequent offense, a violator of this section is guilty of a Class 1 misdemeanor."
2. Truancy is defined as any absence not approved by the school or a pattern of irregular attendance. Skipping a class and/or leaving school grounds without permission is considered truancy.
3. School procedures/consequences for truancy may include making up missed time through detention, after school time, summer school, parent notification, parent conference, suspension, and/or loss of credit. Repeated truancy instances will result in a referral to legal authorities.

Under normal circumstances, absences will be counted except as listed below:

1. Participation in school sponsored or school-approved activities.
2. If the weather is such that a parent determines the child is endangered by attendance the student will not be counted absent if school official(s) is/are notified.
3. Special needs, abilities, or circumstances will be given necessary consideration and attention as determined by administration. Long term absences may also receive special consideration.
4. Family emergency such as:
 - A. Serious illness or family member
 - B. Death of family member
5. Other only with permission of Principal

Adopted: July 13, 2009

Revised: November 12, 2014

TRUANCY

Through cooperation with parents, strict adherence to regulations in regard to tardiness and unexcused absence, and diligence in investigating the causes of absence, the Board will endeavor to reduce tardiness and truancy.

The school district Administration will be responsible for enforcing the compulsory attendance laws which require regular attendance, provide for penalties if parents and guardians do not carry out their responsibilities, and establish procedures for referral of a truant student to juvenile authorities.

The school district Administration shall make and file truancy complaints. Any teacher, school officer or any citizen may also make and file a truancy complaint before the circuit court judge.

Adopted: November 12, 2014

Legal References:

SDCL 13-27-16 (Warnings by school boards to send children to school)

SDCL 13-27-18 (Neglect of duty)

SDCL 13-27-20 (Complaints against persons responsible for truancy)

SDCL 13-27-21 (Warrant for arrest)

STUDENT DISMISSAL PRECAUTIONS

Students in any school, grade, or class may not be dismissed before the regular hour of dismissal except with the approval of the Superintendent or the Superintendent's designee.

A teacher may not permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal.

No student will be permitted to leave school prior to the dismissal hour in the company of anyone other than a school employee, or parent of the child, unless the permission of the parent has been first secured. If a policeman or court official requests the dismissal of a pupil during school hours, he or she must have a warrant or written request by parents before the student is dismissed.

Adopted: November 12, 2014

STUDENT ATTENDANCE ACCOUNTING

The Board recognizes the importance of student accounting. Accurate information regarding the whereabouts of school-age children, both public and private, is essential to the operation of the school district.

As required by state law, the Superintendent will be responsible for an accurate record of the attendance or nonattendance of all students who should be enrolled in school. The school district will also keep a record of all those children who are required by law to be enrolled in school and who do not attend, or whose attendance is irregular.

Adopted: November 12, 2014

Legal References:

- SDCL 13-27-9 (Record of certificates of excuse from attendance)
- SDCL 13-27-15 (Attendance records maintained)
- SDCL 13-27-17 (Investigations and records of truancy)

RELEASE TIME FOR RELIGIOUS PRACTICE

The Board will permit students, with the written consent of their parents, to receive moral or religious instruction at a suitable place away from the school, as designated by the religious group.

Students will be excused from school for such purposes no more than one hour per week.

The Superintendent is instructed to establish regulations, governing the attendance of students and their reporting for such instruction.

Students enrolled in the district normally will not be released from school for private instruction in music, gymnastics, or other activity. The discretion of the building principal, however, may be exercised in unique or unusual circumstances.

Legal References:

SDCL 13-33-10 (Released time for religious instruction)

Adopted: November 12, 2014

SENIOR PRIVILEGES

As part of a developing plan to encourage independent study and self responsibility, the Board approves as policy the practice of permitting high school seniors released time from school.

The Board authorizes the Superintendent to develop criteria for granting privileges to high school seniors. The criteria shall contain minimum standards for granting these privileges, shall delineate the types of privileges that may be granted, and shall delineate the terms under which privileges may be revoked.

Adopted: December 11, 2014

Cross References:

JEE: Student Attendance Accounting

STUDENT DRESS CODE

The board recognizes that is the prerogative of parents to determine what is appropriate dress and grooming for their children in accordance with the age and grade of these students. It is hoped that decisions made by parents and students in these matters will reflect favorable upon the individual, the school and the community.

There are certain restrictions necessary on a student's dress and grooming when such dress and grooming may create a health or safety hazard; invade the rights of others; or, be disruptive to the educational environment by detracting from the decency and decorum in school. It will be the responsibility of the building principal to determine violations of the intent to this policy and to take necessary corrective action.

Adopted: 12/10/1984

Legal References

Cross References

SCHOOL DANCES

Casual Dances

1. All school-sponsored dances shall be scheduled and approved with the principal.
2. School dances will be "closed."
 - a. No one may return to the dance after leaving unless supervised by the chaperones.
3. The same rules of conduct apply to school dances as to other school functions.
 - a. If a student's behavior is inappropriate or dangerous to him/herself or other he/she will be removed from the dance and released to a parent.
4. Only students who attend Harding County High School and are in grades 9-12 will be permitted to attend high school dances unless pre-approved by the principal.
 - a. Junior high students may request their own dances. Only 7th and 8th grade students of the Harding County School District may attend unless pre-approved by the principal.
5. Chaperones must be pre-approved by the principal.
 - a. A minimum of three chaperones are required.
 - b. Chaperones must include at least one staff member.
6. Students are to dress appropriately.
 - a. The dress code will be enforced.
 - i. No clothing that is soiled, torn, or ragged.
 - ii. No attire displaying obscene or vulgar text or symbols.
 - iii. No articles of clothing in which the primary focus is advertisement of tobacco, drugs, or alcohol.
 - iv. No see-through or provocative clothing.
 - v. No halter tops or shirts with spaghetti straps.
 - vi. No shirts or blouses that do not fully cover the waist.
 - vii. No hats, caps, or sunglasses.
 - viii. No other articles of clothing that a chaperone determines to be distracting.
7. Students are to dance in good taste.
 - a. Chaperones retain the right to stop inappropriate dancing.
 - b. Face-to-face dancing is suggested.
 - i. No sexually suggestive dancing.
8. Music will be in good taste.
 - a. No obscenities or vulgar language.
 - b. Chaperones retain the right to stop inappropriate songs.
9. Chaperones retain the right to stop the dance if deemed necessary.
10. Prices of the dance will be determined by Administration.

Prom/Other Formal Dances

1. Prom will be "closed."
 - a. No one may return to prom after leaving unless supervised by the chaperones.
2. The same rules of conduct apply to prom as to other school functions.
 - a. If a student's behavior is inappropriate or dangerous to him/herself or other he/she will be removed from prom and released to a parent.

3. Guests may be invited to attend the prom if they are sponsored by a Harding County High School student and approved by the principal.
 - a. All school rules apply to guests, and the sponsoring student will be responsible for the behavior of the invited guest.
 - b. All invitations must be submitted to and approved by the principal before the conclusion of the previous school week prior to prom.
4. Prices of the dance will be determined by the Administration.
5. There will be allowances made in the dress code to accommodate for the current fashions in formal wear, however, midriffs must be covered.
6. A minimum of six (6) chaperones (3 couples) are required for prom.
 - a. The chaperones must be pre-approved by the principal.
7. Students are to dance in good taste.
 - a. Chaperones retain the right to stop inappropriate dancing.
 - b. Face to face dancing is suggested.
 - i. No sexually suggestive dancing.
8. Music will be in good taste.
 - a. No obscenities or vulgar language.
 - b. Chaperones retain the right to stop inappropriate songs.
9. Chaperones retain the right to stop the dance if deemed necessary.

Adopted: 11/13/2006

Legal References

Cross References

ELECTRONIC DEVICES POLICY

Students are not allowed to have a visible cell phone in the school building during school hours without written permission from an administrator.

Students who have a visible cell phone, or any other electronic device, including personal iPads, iPods, etc. and/or if a student is using a cell phone or any of its functions in the school building during school hours the following consequences will be imposed –

1st Offense: Confiscation of the device
 Device turned in to the administration
 One (1) day of in-school suspension
 Parents called
 The device will be returned to the student at the end of the day.

2nd Offence: Confiscation of the device
 Device turned in to the administration
 One (1) day of out-of-school suspension
 Parent's called to pick up the device
 The device will not be returned to the student.

Harding County School District **IS NOT RESPONSIBLE FOR PERSONAL LOST, STOLEN, OR BROKEN ELECTRONIC DEVICES.**

Adopted: 07/12/2007

Revised: 02/10/2015

Legal References

Cross References

CYBER BULLYING

The Harding County School Board supports use of the computers, Internet and other network resources in the district's instructional and operation programs in order to facilitate learning, teaching and daily operations through interpersonal communications and access to information, research and collaboration. The District's computer network and the Internet, whether accessed at school or away from school, during or after school hours, may not be used for the purpose of cyber bullying.

Cyber bullying by definition is the use of the Internet and related technologies, including cell phones, to harass, threaten, intimidate or harm others, in a deliberate, repeated, and hostile manner. All forms of cyber bullying are unacceptable and viewed as a violation of this policy and the District's acceptable computer use policy and procedures.

Malicious use of the District's computer system to develop programs or to institute practices that harass other users to gain unauthorized access to any entity on the system and/or damage the components of an entity on the network is prohibited.

It is the responsibility of all staff members to take reasonable measures to prevent cyber bullying and shall report any such acts. It is also the responsibility of students who observe any acts of cyber bullying to report it to school authorities. Failure to do so may result in disciplinary action.

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for verified perpetrators of cyber bullying. In addition, when any kind of threat is communicated or when a hate crime is committed, it shall be reported to local law officials.

The administration shall fully investigate all reports of cyber bullying.

Adopted: May 14, 2012

Reviewed: December 11, 2014

Cross References:

ACAA: Sexual Harassment

JF: Student Rights and Responsibilities

JFA: Student Due Process Rights

JFC: Student Conduct

JFCC (EEACC): Student Conduct on School Buses

JFCE: Student Bullying

JFCE-E: Harassment/Bullying Incident Report

JFCE-R: Student Bullying (Regulation)

JFCF: Hazing

JG: Student Discipline

JGD: Student Suspension or Expulsion

STUDENT BULLYING

The Harding County School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff or third parties is strictly prohibited and shall not be tolerated.

Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either

Substantially interferes with a student's educational performance; or
Substantially disrupts the orderly operation of a school.

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

This policy is in effect while students are on property within the jurisdiction of the board; while students are in school-owned or school-operated vehicles; while students are attending or engaged in school-sponsored activities; and while students are away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school district.

It shall be the responsibility of the superintendent to develop administrative regulations, in accordance with this policy, to protect the district's students from the harmful effects of bullying. Regulations accompanying this policy shall include, but are not limited to:
Additional definitions, if necessary, to assist in the implementation of this policy;

A procedure to report incidents of bullying;

A process to investigate reported acts of bullying;

A procedure, consistent with district policy, to provide appropriate consequences for any individual found to have engaged in bullying;

A statement prohibiting retaliation against individuals who, in good faith, report acts of bullying; and

A process to inform staff, students and parents of the district's bullying prevention policies and efforts.

This policy shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Legal References:

SDCL 22-19A (Stalking)

Cross References:

ACAA: Sexual Harassment

JF: Student Rights and Responsibilities

JFA: Student Due Process Rights

JFC: Student Conduct

JFCC (EEACC): Student Conduct on School Buses

JFCD: Cyber Bullying

JFCF: Hazing

JFCE-R: Student Bullying (Regulation)

JG: Student Discipline

JGD: Student Suspension or Expulsion

Adopted: May 14, 2012

Reviewed: December 11, 2014

HARASSMENT/BULLYING INCIDENT REPORT FORM

Date/Time: _____ Room/Location: _____

Student being bullied/harassed: _____

Grade: _____ Class: _____

Student(s) initiating bullying/harassment: _____

Grade: _____

Class: _____

Grade: _____

Class: _____

Type of harassment/bullying alleged (check all that apply):

☐ Racial ☐ Sexual ☐ Religious ☐ Handicap ☐ Age ☐ Other: _____

Describe the incident:

Stated or identified inappropriate behavior as (check all that apply):

- ☐ Name calling
- ☐ Stalking
- ☐ Inappropriate gesturing
- ☐ Staring/leering
- ☐ Writing/graffiti
- ☐ Threatening
- ☐ Taunting/ridiculing
- ☐ Inappropriate touching
- ☐ Spitting
- ☐ Demeaning comments
- ☐ Stealing
- ☐ Damaging property
- ☐ Shoving/pushing
- ☐ Hitting/kicking
- ☐ Flashing a weapon
- ☐ Intimidation/extortion
- ☐ Other _____

Witness(es) present:

Physical evidence (check all that apply):

☐ graffiti ☐ notes ☐ email ☐ websites ☐ photos ☐ video/audio recording ☐ weapons

Staff signature: _____

Parent(s) contacted: _____ Date/Time: _____

Response taken:

Witness(es) present:

Physical evidence (check all that apply):

☐ graffiti ☐ notes ☐ email ☐ websites ☐ photos ☐ video/audio recording ☐ weapons

Staff signature: _____

Parent(s) contacted: _____ Date/Time: _____

Response taken:

Administrative response taken:

Legal References:

Cross References:

Adopted: December 11, 2014

STUDENT BULLYING

(Regulation)

A. DEFINITIONS

1. Bullying: For the purposes of this policy, “bullying” is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

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

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

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

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

2. Electronic: For the purposes of this policy, “electronic” means any communication involving the transmission of information by wire, wireless broadband, radio, optical cable or similar means. “Electronic” includes, but is not limited to, communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

3. Third Parties: For the purposes of this policy, “third parties” includes, but is not limited to, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of business or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-district school events.

B. REPORTING

Any individual who believes a student has been the victim of bullying, as defined above, by students, staff or third parties shall report the alleged acts immediately. The report may be made anonymously. A form will be available from the building principal or from the district office. At the time a report is made, district staff may request any evidence of the alleged bullying, including, but not limited to, letters, tapes, pictures or electronic communication devices.

1. Designated Personnel. The building principal is designated to receive written reports of bullying at each school building. Reports may also be received by an alternate, as designated by the building principal. Upon receipt of a written report, the building principal shall reasonably and promptly notify the superintendent and provide a copy of the report to the superintendent. Failure to forward any report as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the superintendent.

2. District wide. The School Board hereby designates the superintendent to receive reports of bullying from the building principal as outlined above. The superintendent shall designate an individual to receive reports in such cases that a report alleges bullying performed by the superintendent. If a report is filed involving the superintendent, the designated individual shall responsibly and promptly notify the Board Chair.

3. Confidentiality. The District will attempt to respect the confidentiality of the report and the individual(s) against whom the report is filed, consistent with district policy, legal obligations and the necessity to investigate allegations of bullying and take disciplinary action when the conduct has occurred.

4. Procedure. Any individual filing a report of bullying will be asked to put the facts surrounding the conduct in writing on a form provided by the District. The form shall include, but is not limited to: individual’s name and address; date of the incident; description of the incident; name of any witnesses; what action, if any, has been taken; and signature of the complainant.

5. Required Reporting. If any accusations include possible criminal activity, the superintendent shall comply with all mandatory state reporting requirements.

C. INVESTIGATION

Upon receipt of any report, including those made anonymously, the building principal shall be responsible for reasonably and promptly conducting an investigation to determine whether an

alleged act constitutes a violation of this policy. At the building principal's discretion, an investigation may be conducted by an alternate investigator as designated by the building principal. After completion of the investigation, the investigating party shall provide written conclusions and findings to the superintendent.

The investigation may consist of personal interviews with individuals named in the report and any others who may have knowledge of the alleged incident(s) or circumstances giving rise to the report. The investigation may also consist of any other methods deemed appropriate by the investigating party.

In addition, the District may take immediate steps, at its discretion, to protect students and employees pending completion of an investigation.

D. PROHIBITION AGAINST RETALIATION

The District prohibits retaliation against any person who, in good faith, makes a report of alleged bullying conduct or who retaliates against any person who, in good faith, testifies, assists, or participates in any investigation, proceeding, or hearing related to a report of bullying.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. If any student who has, in good faith, reported bullying or has testified, assisted or participated in an investigation, believes that he or she has been retaliated against because of his or her participation, he or she should follow the procedures set forth above.

Any charge of bullying found to have been intentionally dishonest or made maliciously without regard for truth is subject to disciplinary action consistent to district policy.

E. CONSEQUENCES

Any individual found to have violated this policy will be subject to discipline consistent with district policy. The District will take action it deems necessary and appropriate, up to and including expulsion, dismissal or appropriate sanction determined and imposed by the administration or the Board. Individuals may also be referred to law enforcement.

F. NOTIFICATION

The district's bullying prevention efforts shall be annually discussed with students and staff and the district's policy and regulation shall be incorporated into the appropriate district handbooks, which shall be made available to district staff, students and parents.

Adopted: May 14, 2012

Reviewed: December 11, 2014

Harding County
STUDENTS DRUG AND ALCOHOL USE/ABUSE

The Board recognizes its share of the responsibility for the health, welfare, and safety of the students who attend the district's schools. The board is concerned about the problem of drug and alcohol use/abuse and further recognizes that the use of narcotic drugs, depressants, and other controlled substances illegally and/or inappropriately constitutes a hazard to the positive development of students. Therefore, the district's policy on drugs requires:

1. The education of students to bring about awareness and understanding of the dangers inherent in the use of controlled drugs and alcohol.
2. The provision of counseling services that will make it possible for drug and alcohol troubled students to seek and get counseling any time without fear of reprisal and with assurance of the confidentiality of the counseling.
3. Emergency health and safety care which may be in order for students under the active influence of drugs or alcohol at school or in connection with any school activity.
4. Close cooperation by school officials with parents or guardians of students seriously suspected or reliably reported to be illegally involved with controlled drugs or alcohol. This requires that parents be notified and conferences with them arranged when suspicion of drug or alcohol abuse in any form (use, possession, or distribution) is sufficiently founded. This is intended as a time when school officials may work with parents or guardians without involving law enforcement agencies and without taking disciplinary action.
5. The prohibition of the use, possession, or distribution of illegal drugs on school property or in connection with any school activity. Violation of this provision must be reported to the proper law enforcement agency and is cause for suspension or expulsion from school.

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, not be under the influence of alcohol and/or other drugs which affect the education process of the school. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs. Students who use prescription drugs authorized by a licensed physician do not violate this policy if the student conform to the prescription and appropriate schools policies.

Disciplinary Sanctions and implementation Procedures

The following procedures will be used in dealing with possession, use, distribution, or being under the influence of alcohol and other drugs:

A. First Offense

1. The administration will try to notify the parent(s)/ guardians by phone to explain the incident and arrange a conference;
2. The administration may suspend the student for three (3) days in compliance with student due process procedures;
3. The administration will notify the parent(s)/ guardians in writing of the suspension within thirty-six (36) hours; and,
4. The administration may notify available law enforcement authorities.

The school district will require that students with alcohol and other drug abuse problems seek professional assessment from 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 assessed will be commuted. The administration will provide a list of agencies/professionals who 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)/guardians to arrange for a conference;
2. The administration may notify available law enforcement authorities;
3. The administration may 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 assessed by the 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 been assessed and does or does not require treatment. If the student is accepting needed treatment, the recommendation for expulsion may be commuted. Fees for this assessment and/or treatment are the responsibility of the student and family.

C. Supplying/Distributing of Selling Alcohol and Other Drugs of 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 of selling chemicals may result in a ten (10) 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 administration.

D. Students whose observed behavior indicates possible use of alcohol and/or other drugs will be referred to the building administrator. The building administrator and/or "first-responder" medical personnel 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 Alcohol and/or Other Drug Abuse will be followed.

E. A Biennial Review of the School Districts Program Will be Made-

1. To determine the programs' effectiveness and implement changes to the programs if they are needed; and,
2. To insure that disciplinary sanctions are consistently enforced.

Legal Reference: Public Law 101-226

Adopted: January 7, 1985

Amended: November 14, 1994

DANGEROUS WEAPONS IN THE SCHOOL

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 laws as well as board policy forbids the bringing of dangerous or illegal weapons to school or school sponsored activities. Any weapon taken from a pupil shall be reported to the pupil's parents. Confiscation of weapons will be reported to law enforcement. Appropriate disciplinary or legal action or both shall be pursued by the building principal.

A dangerous weapon is defined as any firearm, or air-gun, 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, authorized supervised school training sessions for the use of firearms and to the ceremonial presence of unloaded weapons at color guard ceremonies. Any violations shall be reported to local law enforcement authorities.

Any student bringing a firearm to school, except as provided by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The 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.

Adopted: July 15, 1996

Revised: December 11, 2014

Legal References:

SDCL 13-32-4.2 (Procedure for suspension)

SDCL 13-32-7 (Possession of firearms)

SDCL 22-1-2 (Definition of terms)

Public Law 103-382 (The Improving America's Schools Act of 1994)

STUDENT REGISTERED SEX OFFENDERS

The District is committed to the safety of students, employees and other persons on school property. In order to effect this commitment, the following policy provisions are adopted:

STUDENT (REGISTERED) SEX OFFENDERS ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender, is forbidden (1) to be present on any property owned or operated by the District, including school buildings, athletic fields or facilities, parking lots, buses, vehicles or other property, and (2) to attend school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student required to be a registered sex offender, who is receiving educational services on school property must comply with the requirements to be supervised by school personnel at all times.

EDUCATIONAL SERVICES FOR STUDENT (REGISTERED) SEX OFFENDERS

If permitted by the Board, a student, subject to the previous section, may be present on school property subject to any conditions and restrictions imposed by the Board.

The Board will hold a hearing to determine whether to expel or provide the student with educational services.

Prior to expelling a student, the Board will consider whether there is an alternative program offered by the District that may provide educational services to the student. If the Board determines that the student will be provided educational services on school property, the student must be under the supervision of school personnel at all times. If a student subject to this policy violates the conditions and restrictions placed upon the student by the Board, school administrators and the Board will follow established student discipline procedures and impose an appropriate disciplinary measure, up to and including expulsion.

If a student subject to this policy is one with disabilities, educational services will be provided in accordance with federal and state law.

Adopted: December 11, 2014

Legal References:

SDCL 22-24B (Sex offender registry)

SDCL 13-27-1 (Responsibility of person controlling child)

SD Constitution Article 8-1 (Uniform system of free public schools)

PARTICIPATION IN WORK STUDY PROGRAMS

The Board recognizes the value of off-campus work study programs, such as job shadowing and internships, for educational and training purposes. The district will work with students and community entities to create voluntary work study programs for participation of interested secondary education students. The student will earn 0.5 elective credits for successful completion of the program.

To participate, all parents or legal guardians and students must be fully notified of the work study program requirements and agree to eligibility outlines established by the school district.

The board instructs the Superintendent or Superintendent's designee to draft corresponding regulations to implement this policy.

Adopted: December 11, 2014

Legal References:

SDCL 25-5-18.1 (Parental duty to support child)

SDCL 62-1-4.1 (Elementary and secondary students)

INTERROGATIONS AND SEARCHES

SEARCHES BY STAFF

The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. This authority may be exercised as needed in the interest of safeguarding children, their property and school property.

Nevertheless, exercise of that authority by school officials places unusual demands on their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.), and the seizure of items in his possession:

1. There should be reasonable cause for school authorities to believe that articles are kept in the locker, desk, or other storage space whose possession constitutes a crime or rule violation.
2. Search of an area assigned to a student should be for a specifically identified item, and should be conducted in his or her presence and with his or her knowledge.
3. General housekeeping inspection of school property may be conducted with reasonable notice.
4. Illegal items (drugs, weapons, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

SEARCHES OF STUDENT PROPERTY BY POLICE

A proper search warrant is required for any search of a student's personal property kept on school premises; however, if the police have reason to believe any item that might pose an immediate threat to the safety or security of others, searches may be conducted without a previously issued warrant.

INTERROGATIONS BY POLICE

The school district has legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school principal or the principal's designee will cooperate. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.
2. Parents or guardians will not be contacted in child abuse cases if the law enforcement official requests confidentiality.
3. If custody and/or arrest is involved, the principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

Adopted: December 11, 2014

STUDENT COMPLAINTS AND GRIEVANCES

The Board recognizes that there may be conditions in the school district that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well conceived and understood in advance, can do much to maintain harmonious relationships between the schools and the students and community.

The Board desires student complaints and grievances to be resolved through orderly processes and at the lowest possible level, but that channels be provided for eventual hearing by the Board in instances when this becomes necessary. Therefore:

Any student or his or her parent or guardian will be provided the opportunity to discuss with the student's teacher a decision or situation which the student, parent, or guardian considers unjust or unfair.

If the incident remains unresolved, the student or his or her parent or guardian or the teacher, may bring the matter to the principal's attention for consideration and action.

If the matter is still unresolved after the procedure outlined above, it may be brought to the Superintendent for consideration.

Complaints that remain unresolved following any action of the Superintendent may be referred in writing to the Board for review.

The Board's decision will be final unless an appeal hearing is requested.

Adopted: December 11, 2014

STUDENT SUSPENSION / STUDENT EXPULSION

Serious breaches of standards of behavior may result in suspensions or expulsions from school. By law, the Board has the authority to suspend students for violation of school rules or policies, particularly where the safety and welfare of students is a factor. By law, the Board has the authority to expel a student for the remainder of the school year (SDCL 13-32-4) where violence or threats of violence are manifest (this includes possession of weapons – a Class 1 misdemeanor under SDCL 13-32-7 – explosives, or other dangerous material as well as verbal threats, making false alarms, or bomb threats.) Students who are found guilty of continued serious misconduct which results in repeated suspension and who therefore interfere with the opportunity of other students to carry on their learning activities may be recommended by the Superintendent to the Board for expulsion from school.

The consumption or possession of beer or alcoholic beverages, or the use or possession of a controlled substance without a valid prescription, on the school premises or at school activities may by law result in an expulsion of no more than 90 days. If a student has intentionally brought a firearm onto school premises, the expulsion may not be less than 12 months.

If any student is under suspension or expulsion in a school district, the student may not enroll in any school district until the suspension or expulsion is expired. The Superintendent or school administrator of any school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state. Upon receiving a request for a student's permanent school records from the receiving district, the sending school shall provide the receiving district with written notice of any suspension or expulsion.

The principal may suspend students for not more than 10 days. Any suspension by a principal must be immediately reported to the Superintendent who may revoke the suspension at any time. The superintendent/CEO may suspend a student for no more than 90 days.

In the event of a suspension by the Superintendent for more than 10 days, the student, his/her parents or custodians may appeal the decision to the Board of Education. In the event of an appeal to the Board, the Superintendent shall promptly submit to the Board a full report in writing of the facts relating to the suspension.

Hearing procedures as established by state regulations will be followed for all students who are suspended for more than 10 days, and for expulsions.

Adopted:

Revised: 03/12/2001

Legal References

SDCL 13-32-4 13-32-4.2
 13-32-4.3 13-32-7
ARSD 24:07:01, 02, 03, 06, 08

Cross References

JFA, Student Due Process Rights
JFC, Student Conduct

PROHIBITION OF CORPORAL PUNISHMENT

The use of corporal punishment, defined as any act of physical force on a pupil for the purpose of punishing that child, is not acceptable in this district and will not be tolerated as a disciplinary measure. The term will not apply, however, to the use of reasonable physical force in the following situations.

For self-defense;

To protect other persons from physical injury;

To protect property of the school or others;

To remove a student who has refused to comply with requests to refrain from disruptive behavior; and

To restrain or control a student that is out of control.

By law, physical force may be used by the Superintendent, principal, supervisor, and teachers and their aids and assistants. This authority extends to any person delegated to supervise children who are authorized to attend a school function away from school premises and to school bus drivers.

Any employee using physical force to control a student will document the incident in writing, with copies given to the principal and Superintendent by the close of the following school day. The Superintendent will keep the Board apprised of unusual or extreme incidents of the use of physical force.

In-service training for teachers and staff in the use of alternative, positive measures of discipline will be provided and the Superintendent will report to the Board annually regarding training programs provided to staff.

Adopted: December 11, 2014

Legal References:

SDCL 13-32-2 (Physical force authorized)

STUDENT SUSPENSION OR EXPULSION

Serious breaches of standards of behavior may result in suspensions or expulsions from school. A principal is authorized to suspend pupils for not more than ten school days and a Superintendent is authorized to suspend pupils for not more than 90 days. The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days.

Any student bringing a firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon to school, except as authorized by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The Superintendent shall have the authority to decrease the length of expulsion on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504.

A suspension may be imposed, but is not limited to, when a student's behavior creates a threat to his own or other's safety or imposes a threat to property or premises or creates a serious disruption of the school environment. Behavior such as fighting or committing an assault on another; stealing; vandalism; possessing weapons, explosives or other prohibited materials; making a false alarm or terroristic threat; lewd or threatening behavior or language; possession of drugs; or possession of beer or alcoholic beverages on the school premises or at school activities may result in suspensions.

Hearing procedures as established by state regulations will be followed for all students who receive long-term suspensions or expulsion.

* In case of a suspension by the Superintendent for more than ten school days, the Superintendent will schedule a hearing before the Board of Education and the hearing shall be scheduled within ten (10) school days of the first day of the student's suspension.

** Additional procedures mandated by state and federal law apply to special education students.

NOTE: Statute states that no school board may impose a lesser consequence than those established in SDCL 13-32-9 but may by board policy adopt more strict consequences for adjudication, conviction, informal adjustment or court-approved diversion program, or a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana. Statute also says the suspension "may" be reduced and the student "may" be allowed to practice during the period of suspension. To avoid discriminatory application, it is ASBSD's recommendation that the Board decide, for policy purposes, if the suspension period is to be reduced upon the student meeting the requirements, and if reduced to what extent, and whether the student may participate in Practice during a period of suspension.

Suspension from Extra-Curricular Activities:

First offense: if a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended one year which shall be reduced *to* thirty calendar days if the student participates in an assessment with a certified licensed addiction counselor. If a suspension for a first offense is reduced to 30 calendar days, the student is also ineligible for a minimum of two South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

Second offense: If a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended one year. The one year suspension for a second offense shall be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is also ineligible for a minimum of six South Dakota High School Activities Association sanctioned events upon completion of the reduced suspension period. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

In order for events to count toward the minimum number of events for which the student is ineligible following a reduction in the suspension for a first or second offense, the student must participate in the entire activity season. Failure of a student to complete the entire activity season results in the student being ineligible for one year from the date of adjudication, conviction, the subject of an informal adjustment or court approved diversion program, or subject of a suspended imposition of sentence or suspended adjudication of delinquency. A suspension that is not completed by the student during one activity season carries over to the next activity season in which the student participates.

Third offense: Upon a third or subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by statute, by a court of competent jurisdiction, the student is ineligible to participate in any extracurricular activity.

Adopted: January 7, 1985

Revised: March 12, 2001

Reviewed: December 11, 2014

Legal References:

SDCL 13-32-4 (School board to assist in discipline)
SDCL 13-32-9.1 (Consequences imposed by local school districts)
SDCL 13-32-9.2 (Reduced suspensions--Commencement of suspension)
ARSD 24:05:26.01 (Expulsion)
SDCL 13-32-9 (Suspension from extracurricular activities)
SDCL 13-32-4.2 (Procedure for suspension)
SDCL 13-32-5 (Injury to school property as grounds)
SDCL 22-42 (Controlled Substances and Marijuana)
SDCL 13-32-7 (Possession of firearms on premises)
SDCL 22-11-9.2 (Falsely reporting a threat)
SDCL 22-14A-24 (Use of substance or device to communicate felonious threat)
SDCL 22-14A-25 (Use of hoax substance or device to cause fear)
ARSD 24:05:26 (Suspension)
ARSD 24:07 (Student due process)
Public Law 103-382 (Improving America's Schools Act of 1994)

Cross References:

JFA: Student Due Process Rights
JFC: Student Conduct
IGD: Extra-Curricular Activities
IGDI: Interscholastic Athletics
JFCH: Alcohol and Other Drug Use by Students

NOTICE OF HEARING FOR LONG-TERM SUSPENSION OR EXPULSION

You are hereby notified that _____ is charged with violating the following rule, regulation or policy of the _____ School District:

_____.

We have in our possession _____ which was seized from _____ at the time of the alleged violation (if material evidence was seized and is had by the Superintendent).

Persons witnessing the alleged violation include:

_____. (List anyone the administration will call as a witness to prove the violation).

We have set a hearing before the Board to hear this matter on the _____ day _____ of _____, 20____ at _____ o'clock _____.m. at _____.

The hearing shall permit opportunity for _____ or their representative to present their side of the story and confront their accusers and witnesses. The purpose of the hearing is to allow the administration to suspend _____ from _____ for a period of more than ten days. Evidence and all of the student's records are available for inspection by the student, their parent, guardian or other responsible person and their representative.

You are further notified of the right to waive a hearing. Such waiver must be made through written notification to the Superintendent at least 24 hours prior to the time set for hearing. This right may be exercised by use of the attached waiver form.

Dated this _____ day of _____, 20____.

(Superintendent of Schools)

Adopted: December 11, 2014

HEARING WAIVER

I hereby waive my right to a hearing in the matter of potential suspension or expulsion from school for the alleged misconduct of _____. Said hearing was set for the _____ day of _____, 20____.

Dated this _____ day of _____, 20____.

_____ (Student)

_____ (Parent, guardian or other responsible person)

_____ (Relationship)

Adopted: December 11, 2014

Policies provide direction through governance. Superintendents can provide details through regulations and exhibits. The board can always make a determination whether a regulation or exhibit carries out a policy.

FINDINGS OF FACT

In the matter of the Proposed Expulsion (Suspension) or _____ DECISION

THE ABOVE ENTITLED MATTER coming on for hearing on the _____ day of _____, 20____, at _____ o'clock ____ .m., before the School Board of _____ School District, all members present. President of the Board presiding, and the Board being represented by _____, their attorney; and _____ appearing in person with his/her parents, _____, and by their attorney, _____; and the Board having heard the testimony and having examined and discussed the evidence offered by the witnesses and the matter having been submitted to the Board for decision, the Board does hereby make its decision, (one member dissenting,) to expel (suspend) _____ from any further attendance at _____ for _____ days based upon the following Findings of Fact:

FINDINGS OF FACT

1. The _____ School Board finds that _____ was _____ on _____, 20____, at approximately _____ within the confines of _____ in the _____ School.
2. The _____ School Board finds that said conduct by _____ was in violation of the _____ School District's policy _____. The _____ School Board finds that said action constituted a _____ violation of said Board policy.
3. The _____ School Board finds that _____ and his/her parents, _____ had been given notice of the punishment to be recommended upon a _____ violation.

Dated at _____, South Dakota, this _____ day of _____, 20____.

_____ (President, School Board)

Adopted: December 11, 2014

NOTICE TO PARENT OF SPECIAL EDUCATION STUDENT

You are hereby notified that the Harding County School Board has determined that _____ [student's name] should be suspended for more than ten days.

You are further notified that this action is being referred to the Harding County School District's Placement Committee, which shall immediately make a determination of whether the conduct causing the suspension arises from the student's disability or handicapping condition. If it is found to arise from the student's condition, a new individualized education program (IEP) will be established and the suspension shall thereafter cease. If the action for which the discipline is imposed did not arise from the student's handicapping condition or disability, the student will continue to receive special education and related services, but will be suspended from all other aspects of the school. The District may apply to circuit court to exclude the student from school if there is a substantial likelihood that maintaining the current placement is likely to result in injury to the pupil or others.

Finally, you are notified that you have available to you the due process rights of the state and federal special education laws.

Adopted: December 11, 2014

PROCEDURES FOR STUDENT SUSPENSIONS AND EXPULSIONS
(Regulation)

PROCEDURAL CHECKLIST FOR SHORT TERM SUSPENSION

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 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 other responsible person. An unemancipated minor may not be removed from the school during school without notice to the parent, guardian, or responsible person. Dangerous students may be turned over to law enforcement.
- * Many of the due process guidelines set forth in this chapter may be helpful in dismissal of non-certified employees under contract.

PROCEDURAL CHECKLIST FOR LONG TERM SUSPENSION

1. The Superintendent must prepare and seal a written report to the school board not later than the end of the fifth school day following the first day of a long-term suspension. The Superintendent may request that a hearing be held before the school board. (It is recommended that the school board conduct a hearing for any suspension extending more than ten days.)
2. The Superintendent's report includes the facts of the situation, the action taken, the reasons for the action, and the Superintendent'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, as to unemancipated minors, to the parent, guardian, or responsible person at the time it is filed with the secretary or business manager.

3. The Superintendent may exclude the pupil from class or classes by using a short-term suspension procedure. Note: An activity should be considered a class, especially if credit is given for the activity. The Superintendent must give notice to the 18-year-old pupil or the un-emancipated 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 procedure;
 - 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 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 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.

CONDUCTING THE HEARING

1. The school board is the hearing board.
2. The school board shall appoint either one of its own members or someone not an employee of the district as hearing officer. At the commencement of the hearing, the hearing officer should state that the hearing is open at the time and place contained in the notice, should state the reason for the hearing, identify the date of the notice of hearing, identify to whom the notice was provided, and have each person present identify themselves by name.
3. The school board shall arrange the place of hearing with three tables, one for the board, one for the administration, and one for the student.
4. The hearing is closed to the public and a verbatim record will be made and sealed pending court order. (It is recommended that the verbatim record be either a court reporter or a videotape. Audio recordings are less than satisfactory.)

5. Each party may make an opening statement, introduce evidence, present witnesses, and examine and cross-examine witnesses.
6. The school administration shall present its case.
7. Each party may be represented by an attorney.
8. If the school attorney is going to present the administration's case, the attorney should not also advise the board. The board should engage separate counsel in that case.
9. Witnesses, other than the student and his/her representative, are present only while testifying and each witness must take an oath and affirmation administered by the school board president or business manager.
10. Each party may raise objections to relevancy and scope of the questions. All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer.
11. The hearing officer may ask questions of witnesses, as may school board members.
12. Each party may make a closing statement.
13. After the hearing is closed, the board shall deliberate in executive session. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from any attorney not representing a party at the hearing. Any other consultation with any person other than board members during deliberation may occur only if a representative of the pupil is present.
14. The decision must be based upon the evidence presented at the hearing and be contained in a motion made in open meeting. The motion must omit the name of the pupil and must state the reason(s) for the board's action.
15. The 18-year-old pupil or a parent or guardian of an unemancipated minor pupil must be given notice in writing of the board's decision, which must state the length of the suspension or expulsion.
16. The board's decision may be appealed to the circuit court.

SPECIAL EDUCATION STUDENTS

1. If a student attending school on an individualized educational program (IEP) is the subject of a long-term suspension procedure, special considerations apply.
2. A long-term suspension of a special education student requires a referral to a placement committee. If the action, behavior, or activity which caused the long-term suspension is

the result of the pupil's disability, the placement committee shall prepare a revised IEP and the long-term suspension terminates upon implementation of the plan.

3. Any suspension of more than ten school days constitutes a change in placement and requires prior notice and the right to due process, as specified for a change of placement.
4. A special education student's parent may grant written parental approval for the change in placement.
5. If it is necessary to suspend a special education student for more than ten days and no parental agreement can be achieved for an interim placement or continued suspension, the district must apply to the circuit court for permission to suspend the student.
6. In any such court action, there is a presumption in favor of the current educational placement, which may be rebutted only by showing that the current placement is "substantially likely to result in injury to the pupil or to others."
7. Failure to carefully follow due process procedures with respect to special education students can result in serious ramifications to the district.

Adopted: December 11, 2014

Legal References: ARSD 24:05:26:09 (Referral to IEP team for long-term suspension)
ARSD 24:07 (Student due process)
SDCL 13-46 (Appeals in school matters)

STUDENT HEALTH

The Board realizes its responsibility to help protect and improve the health of students. The Board, therefore, will utilize the services of a nurse to coordinate school health services. The nurse, with cooperation from school administrators, will be responsible for organizing dental, medical, and immunization clinics for students within the school district.

Student health services will include the following:

1. Counseling for students, parents, and others concerning the findings of health examinations.
2. Help in preventing and controlling disease.
3. Emergency service for injury and sudden illness.
4. Consultation with parents and appropriate staff on the health of.
5. Maintenance of health records for all students.
6. Assessment and implementation of services for students with special needs, administration of medications and performance of specialized health care procedures.

The services shall include assessment and implementation of services for students with special needs, administration of medications and performance of specialized health care procedures.

Of necessity, the health services provided will be limited largely to the detection and prevention of health problems, referral of problems through parents to the family physician, and emergency care.

Liability insurance will be provided employees to cover actions authorized by law.

Adopted: September 22, 1986

Reviewed: January 14, 2015

Legal ARSD 20:48:04:01.09 (Training required for delegated prescription medication
References: administration)
 SDCL 13-33A (School health services)
Cross References: JHCD: Administration of Medications to Students

PHYSICAL EXAMINATIONS AND INOCULATIONS OF STUDENTS

The Board encourages parents and students to preserve and protect each student's general health. The Board will, therefore, recommend that each child should have a complete physical examination by a licensed physician upon entrance to the kindergarten or first grade, and upon entering fourth, eighth and twelfth grades. All new entrants to the school system will also receive a recommendation for a physical examination.

By state law, children who attend the district's nursery school will also be examined by a physician prior to admission.

Also by law, all entrants must, prior to admission, have received or are receiving immunization against polio, diphtheria, pertussis, rubeola, rubella, mumps and tetanus.

Exceptions to immunization include certification by a physician that such immunizations would endanger the life or health of the child, or a written statement by the parents that such immunizations are against the religious beliefs of the child's family.

Physical examinations may also be required for all students who participate in interscholastic athletics and other school activities. The examination would be administered by a licensed physician and the cost would be borne by the district.

Annually, students will also be subject to routine health screenings for hearing and visual acuity, and dental, scoliosis, and communicable diseases.

Adopted: January 14, 2015

Legal References: SDCL 13-28-7.1 (Tests and immunizations for communicable diseases)
SDCL 13-28-7.2 (Immunizations provided at public expense)

REMOVAL AND RETURN TO PLAY POST CONCUSSION

The Harding County School District will follow the SDHSAA policy on student concussions. More specifically, removing a student/athlete from play and return-to-play post concussion. In addition, the licensed health care provider chosen by the parents for care will have complete discretion on when that student/athlete returns to play.

The health care provider will also set the guidelines to be followed when the student does return to school and play. Furthermore, Harding County School District will not allow participation in any activity post concussion until the injured student obtains a release from a licensed health care provider.

Adopted: November 14, 2011

Reviewed: December 11, 2014

STUDENT COMMUNICABLE DISEASES

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 a communicable, contagious, or infectious disease and who are infected with communicable parasites, or who are liable to transmit such a disease or parasite, may be excluded from school attendance.

A determination of whether an infected student be excluded from the classroom or school activities shall be made on a case-by-case basis, under the direction of the building administrator or designee.

ADVISORY COMMITTEE

In situations where the decision to exclude a student from school attendance requires additional expertise and knowledge, the building administrator will refer the case to an advisory committee for assistance in the decision-making. The advisory committee may be composed of: A representative from the state or county health department; the student's physician; the student's parents or guardian(s); the school principal or designee; the school health service's supervisor; the Superintendent or designee; and primary teacher(s).

In making the determination, the advisory committee shall consider: 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 infected student and others in that setting; the South Dakota Department of Health guidelines and policies; the recommendation of the County Health Officer, which may be controlling.

The advisory committee may officially request assistance 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 infected student is not permitted to attend classes for ten consecutive school days, arrangements will be made to provide an alternate educational program. If that requires personal contact between student and school employees, only trained volunteer employees shall be utilized.

CONFIDENTIALITY

Public information will not be revealed about any student who may be infected. 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.

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.

Adopted: January 14, 2015

Legal References: SDCL 13-28-7.3 (Exclusion of student for risk of infectious disease)

Cross References: JHCC-R: Student Communicable Disease Guidelines (Regulation)

GBEB: Employee Communicable Diseases

GBEB-R: Employee Communicable Disease Guidelines (Regulation)

ADMINISTRATION OF MEDICATIONS TO STUDENTS

Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by the school district nurse acting under specific written request of the parent or guardian and under the written instructions of the student's physician.

When such a request is made by a parent or guardian, a full release from the responsibilities pertaining to the administration and consequences of such medications must also be presented to the principal by the student's parent or guardian.

Parent/guardian requests to store and/or administer prescription or nonprescription medications to students must be in writing, on a Consent for Medication Administration District Form. The Consent for Medication Administration must be completely filled out, signed and dated by the parent/ guardian. The Consent for Medication Administration must be renewed annually. Any product that could be considered a drug, including "natural remedies", herbs, vitamins, dietary supplements or homeopathic medications will be managed as a prescription medication. These products would require a written order from a physician or licensed health care provider and completion of a Consent for Medication Administration by the parent/guardian.

When medication is brought to school for a student, the student's teacher, building principal, nurse or secretary will be made aware that the student will be taking medication. If a child has medication at school without prior notification the parent/guardian will be contacted. Medications should be transported to and from school by a parent/guardian.

All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in a pharmacy labeled container. The label must specify the student's name, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container.

It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

Prescription medication administration may be delegated only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

Adopted: January 14, 2015

Legal
References: ARSD 20:48:04.01:09 (Training required for delegated prescription medication administration)
SDCL 13-32-10 (Definition of terms regarding self-administration of medication)
SDCL 13-32-11 (Student self-administration of prescription asthma and anaphylaxis medication)
SDCL 13-32-12 (Disciplinary action regarding self-administration of medication)
SDCL 13-32-13 (Applicability of provisions regarding self-administration of medication)
SDCL 13-33A (School health services)

Cross
References: JHCD-E: Consent for Medication Administration Form
JHCDA: Student Self-Administration of Asthma or Anaphylaxis Medication
JHCDA-E: Authorization for Asthma or Anaphylaxis Self-Administered Medication
JHCDB: Epinephrine Auto-Injectors

CONSENT FOR MEDICATION ADMINISTRATION FORM

1. I am the parent/guardian of _____ and I authorize my child/ward _____, grade _____, to be administered the prescription/nonprescription medication identified below while on school property or at a school-related event or activity by the school nurse or employee trained in the administration of prescription medication.
2. I hereby release the District and its employees and agents from liability for injury arising from the school's administration of the medication while on school property or at a school-related event.
3. I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student's immediate access to the medication.
4. I authorize the school to inform appropriate school employees who would have a need to know of the administration of medication (i.e., such as school nurse, instructors, teacher aides, school administrators, activity supervisors, bus drivers).
5. I acknowledge and agree that the school shall secure (store) the medication for the student until administration of the medication is necessary, and that in no circumstances shall the medication be stored in the student's locker.

Medication: _____

Dose: _____

Time: _____

Authorization Start Date: _____

Authorization End Date: _____

Signature of Parent/Guardian

Date

Adopted: January 14, 2015

STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS
MEDICATION

“Self-administration of prescription medication” means a student’s discretionary use of prescription asthma or anaphylaxis medication, or both.

Any student with asthma or anaphylaxis, or both, may possess and self-administer prescription medication while on school property or at a school-related event or activity if:

- (1) the prescription medication has been prescribed by a physician or other licensed health care provider for that student as indicated by the prescription label on the medication;
- (2) the self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
- (3) the parent/guardian of the student provides to the school, on a form provided by the school:
 - (a) written authorization, signed by the parent/guardian, for the student to self-administer prescription medication while on school property or at a school-related event or activity;
 - (b) a written statement, signed by the parent/guardian, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;
 - (c) a written statement from the student's physician or other licensed health care provider, signed by the physician or provider and which shall be kept on file in the office of the school nurse, that states:
 - (i) the student has asthma or anaphylaxis or both, and is capable of self-administering the prescription medication;
 - (ii) the name and purpose of the medication;
 - (iii) the prescribed dosage for the medication;
 - (iv) the times at which or circumstances under which the medication may be administered; and
 - (v) the period for which the medication is prescribed.
- (4) If any student uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school; however, the disciplinary action may not limit or restrict the student's immediate access to the medication.

- (5) The parent/guardian (or student, if 18 years old or older), authorizes the school nurse to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.
- (6) The parent/guardian gives permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event.

Adopted: January 14, 2015

Legal	<u>SDCL 13-32-10 (Definition of terms regarding self-administration of</u>
References:	<u>medication)</u>
	<u>SDCL 13-32-11 (Student self-administration of prescription asthma and</u>
	<u>anaphylaxis medication)</u>
	<u>SDCL 13-32-12 (Disciplinary action regarding self-administration of</u>
	<u>medication)</u>
	<u>SDCL 13-32-13 (Applicability of provisions regarding self-administration of</u>
	<u>medication)</u>
	<u>SDCL 13-33A (School health services)</u>
Cross	<u>JHCD: Administration of Medications to Students</u>
References:	<u>JHCD-E: Consent for Medication Administration Form</u>
	<u>JHCDA-E: Authorization for Asthma or Anaphylaxis Self-Administered</u>
	<u>Medication</u>
	<u>JHCDB: Epinephrine Auto-Injectors</u>

AUTHORIZATION FOR ASTHMA OR ANAPHYLAXIS
SELF-ADMINISTERED MEDICATION

PHYSICIAN/LICENSED HEALTH CARE PROVIDER STATEMENT

The student _____ has

_____ asthma

_____ anaphylaxis

_____ both asthma and anaphylaxis

and is capable of self-administering the following prescription medicine:

name and purpose of medication _____

prescribed dosage of medication _____

times at which or circumstances under which the medication may be administered _____

period for which the medication is prescribed _____

Signature of Physician/Other Licensed Health Care Provider

Date

PARENTAL AUTHORIZATION

1. I am the parent/guardian of _____ and I authorize my child/ward _____ to self-administer the prescription medication identified above while on school property or at a school-related event or activity.
2. I hereby release the District and its employees and agents from liability for injury arising from the student's self-administration of the prescription medication while on school property or at a school-related event unless in case cases of wanton or willful misconduct.
3. I understand that if the student identified herein uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school, however, any disciplinary action may not limit or restrict the student's immediate access to the medication.
4. I authorize the school nurse to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.
5. I give permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event.

Signature of Parent/Guardian

Date

Adopted: January 14, 2015

EPINEPHRINE AUTO-INJECTORS

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

All epinephrine auto-injectors must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in administration of epinephrine auto-injector or administration of medication. Epinephrine auto-injectors to be stored and/or administered must be in a pharmacy labeled container. The label must specify the name of physician/licensed health care provider, the date of the prescription and the directions for use.

No school employee, other than the school nurse, shall be required to be trained by a licensed health care profession for the purpose of being trained in the administration of epinephrine auto-injectors, or shall be required to administer epinephrine auto-injectors, without the employee's prior written consent. Any school nurse, or other designated school personnel authorized by the School Board, may:

- (1) administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student on file with the school;
- (2) administer an epinephrine auto-injector to any student during school hours if the school nurse or designated school personnel believe that the student is experiencing anaphylaxis in accordance with a standing protocol from an authorized health care provider, regardless of whether a student has a prescription for an epinephrine auto-injector or has been diagnosed with an allergy.
- (3) prior to administering an epinephrine auto-injector made available by the school, each designated school personnel shall be trained by a licensed health care professional:
 - (a) to recognize the symptoms of a severe allergy or anaphylactic reaction;
 - (b) to know the procedure for the administration of an epinephrine auto-injector;
 - (c) to know the procedure for storage of an epinephrine auto-injector; and
 - (d) to know the emergency care and aftercare for a student who has an allergic or anaphylactic reaction.

Pursuant to state law, no administrator, school nurse, or designated school personnel, the District or the School Board, that makes available or possesses or epinephrine auto-injectors pursuant to law, may be held liable for any injury or related damage that results from the administration of, self-administration of, or failure to administer an epinephrine auto-injector that may constitute ordinary negligence, however, this immunity does not apply to an act or omission constituting gross, willful, or wanton negligence.

The District, through the student handbooks and such other means as identified by the Superintendent, shall notify the parents or guardians of each student about the policy.

Adopted: January 14, 2015

Legal ARSD 20:48:04.01:09 (Training required for delegated prescription medication
References: administration)
 SDCL 13-33A (School health services)
Cross JHCD: Administration of Medications to Students
References: JHCD-E: Consent for Medication Administration Form
 JHCDA: Student Self-Administration of Asthma or Anaphylaxis Medication
 JHCDA-E: Authorization for Asthma or Anaphylaxis Self-Administered
 Medication

STUDENT PSYCHOLOGICAL SERVICES

A teacher or administrator may not refer a student for psychiatric treatment either within or outside the school without the prior written consent of the student's parent or legal guardian.

Adopted: January 14, 2015

Legal References:

SDCL 13-32-3 (Reference for psychiatric treatment prohibited without parents' consent)

STUDENT WELFARE CRISIS INTERVENTION

The Board is committed to promoting healthy human relationships and learning environments that are physically and psychologically safe for all members of the school community. It further believes that students are the first priority and they should be protected from physical or emotional harm. A crisis impacts all members of a school community. The District believes that the school should provide support of the school community while ensuring accurate and sensitive communication.

The District may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the District for the purposes of identifying students in need of early mental health intervention or suicide prevention

When the Administration receives a report about a student, it shall determine if the student's parent or guardian should be notified. If so notified, the administration will also provide information about available counseling options.

District policy and procedures are not intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. District policy and procedures are intended to notify a parent or guardian of a need for mental health intervention so that a parent or guardian may take appropriate action. School districts do not have the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

Adopted: January 14, 2015

SUPERVISION OF STUDENTS

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

The Board expects all students to be under assigned adult supervision at all times when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his or her assigned group unsupervised except as an arrangement has been made to take care of an emergency.

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

The school administration will assure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Superintendents and principals may discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.

Adopted: December 11, 2014

Legal References: SDCL 13-32-1 (Disciplinary authority over students on school premises)
SDCL 22-42-19 (Drug free zones created)

STUDENT SAFETY PATROL

Safety patrols may be organized by school principals with the approval of the Superintendent. The safety patrols will instruct, direct, and control students in crossing streets only in the immediate vicinity of the school. Members of safety patrols will have no authority over any persons other than pupils. They will serve only with the consent of their parents or guardians, and will, at all times, be under the charge of a teacher or other responsible adult adviser appointed by the principal. The safety patrols will be supervised by the principals in each building.

To protect the health and safety of all adults and student safety patrols, the Board may purchase health, accident, and liability insurance.

Adopted: January 14, 2015

Legal References:

SDCL 13-32-8 (School safety patrols)

STUDENT VEHICLE USE

Students having a valid driver's license and their parent or guardian's permission letter on file may drive home for lunch, providing their home is .7 miles or more from the school. Students are prohibited from giving rides to other students except siblings mentioned in the permission letter.

Physically handicapping conditions and other extenuating circumstances may qualify a youngster for being exempted from the .7 miles rule and students should request the principal to approve his or her driving during the lunch period.

The students of Harding County High School may be permitted to drive during the school day by the principal or superintendent provided that an emergency of some kind exists and the parents or guardian of the students know and approve. Consideration to be allowed to drive for such emergencies in the future will be endangered if the student is seen driving recklessly, giving rides to unauthorized students or in other ways uses this opportunity to endanger the safety of others or hamper the safe, orderly running of the school.

General Procedures For Students Wishing To Drive During Lunch

1. Written application for permission for the student to drive during lunch period should be made by the parents or legal guardian in letter form. The letter should state the distance from the school to the home and certify that the student does have a valid driver's license. It must state other siblings to be permitted to ride along.
2. The superintendent or principal shall keep the written letter from the parent on file. The parent, or guardian, shall be notified that the student has, or has not met the requirements and is or is not authorized by the school to drive during the lunch period.
3. Permission to drive during the school day in emergencies, need not be made in writing, nor meet the .7 miles rule in lieu of written request the parent or guardian may phone their request.

(Adopted August 12, 1985)

CHEERLEADER PYRAMIDS

A concern has been raised by educators in our member schools relative to the use of pyramids by high school cheerleaders. The possible risk for injury when building human pyramids is the basis for such concern. In this regard, the SDHSAA does not have jurisdiction nor regulations covering pyramids.

The building of pyramids or mounts by cheerleaders, pom-pom squads and similar groups is prohibited if such formations are more than two participants in height.

The pyramid or mount building is defined as any individual(s) not in contact with the floor or surface. They must be supported by one or more individuals who are in direct contact with the floor or surface.

This, in effect, prevents a pyramid more than two individuals in height and is designed to minimize the possibility of serious accident and/or injury.

The Harding County Schools joins the National Cheerleaders Association in adopting a pyramid policy that reads as follows:

- ❖ A free-standing flat-back is allowed as long as the flat backs are only 1- 1/2 high. The top squad member must be standing on two backs at the second level, and those second level squad members must be braced. Single-based flat-backed stands 1-1/2 high are acceptable only if braced; they may not be freestanding.
- ❖ If girls are to use fireman's catches, at least two girls must be catchers.
- ❖ Front suspended flips are acceptable.
- ❖ Forearm stands high than ground level must have two bases.

The following are prohibited:

- ❖ Standing pyramids three people high where the second and third levels are standing on the shoulders of the level below.
- ❖ Toe pitches.
- ❖ Shoulder stands on flat backs.
- ❖ Basket-toss flips.
- ❖ Shoulder sits three high and higher.
- ❖ Standing on two-high shoulder sits.

Adopted 4-27-87

REPORTING CHILD ABUSE

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

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

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

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

Any personal interview or physical inspection of the child should be conducted in a considerate, professional manner. Information or records concerning reports of suspected abuse or neglect are confidential. The release to persons other than those provided by law is a class one misdemeanor. Failure to make a report of abuse or neglect is a class one misdemeanor.

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

Adopted: January 14, 2015

Legal References:

SDCL 22-6-2 (Misdemeanor classes and penalties)

SDCL 26-8A (§§3 & 6-15) (Protection of children from abuse or neglect)

STUDENT GIFTS AND SOLICITATIONS

SOLICITATIONS

The solicitation of donations and contributions from students will be restricted to fund-raising drives approved by the Board.

Any outside organization desiring to distribute flyers or other materials to students in connection with fund-raising drives may do so only with the approval of the Superintendent.

GIFTS

Students will be discouraged from the routine presentation of gifts to district employees. When a student feels a spontaneous desire to present a gift to a staff member, the gift may not be elaborate or unduly expensive. The Board will consider as always welcome, and in most cases more appropriate than gifts, the writing of letters to staff members expressing gratitude or appreciation.

Adopted: January 14, 2015

Cross References:

GBI: Staff Gifts and Solicitations

IGDF: Student Fund-Raising Activities

KI: Public Solicitations and Advertising in the Schools

STUDENT FEES, FINES, AND CHARGES

It is a responsibility of the Board to assure that the children of the district are provided with free public education. Therefore, no fee or charges may be required as a condition of school year attendance, credit in a required course, or for materials or activities that are part of a course requirement. Neither may a fixed activity fee be required of all students, nor class dues exacted. Students will be responsible for the cost of replacing any school district materials or property that is lost or damaged through the student's negligence.

Certain fees and charges, however, may be established under the following conditions:

1. When established to pay for optional activities that are not part of the regular school program, nor essential to success in a course.
2. When established to pay for materials that are optional for use in a course, and when grades or credit are not dependent on their use.
3. When established to pay for materials that will result in shop products, clothing, or other items that the student will take home for personal use.

Certain other items or equipment required of students for personal use may be purchased by the school system and rented to the student. When these are no longer needed by the student, they may be returned to the school, with a refund of the rental fee, dependent upon their condition.

The Board will annually review a list of fees and charges proposed at the various school levels. In making recommendations, school administrators will consider the cost of the time and bookkeeping involved in collecting fees and rental charges for minor items.

Adopted: March 12, 1984

Reviewed: January 14, 2015

Legal References: SDCL 13-34-16.2 (Free book loans to all persons aged 5-19)
SDCL 13-34-16.3 (Board approval of books)
SDCL 13-34-23 (Loan of textbooks)

LOANING OF TEXTBOOKS

Textbooks will be loaned to children ages 5 through 19 who are not enrolled in the school district or a school supported by any other governmental entity upon written request by the child or the child's parent or guardian made prior to (May 1st) preceding the school term of use. Textbooks include print and digital materials, but not computer hardware.

Textbooks loaned shall be the same textbooks normally used by the students enrolled in the schools.

If new textbooks must be purchased to meet the request of children not enrolled in the schools, the Board may limit the number of textbooks per student to be purchased for loan to the same amount of new textbooks that is furnished to the students enrolled in the schools.

Adopted: January 14, 2015

Legal References: SDCL 13-34-23 (Loan of textbooks)

SDCL 13-34-24 (Persons enrolled in other than local school district excepted)

STUDENT RECORDS

The Federal law, the Family Educational Rights and Privacy Act, commonly called FERPA, requires prior written consent from a student's parent or guardian (or student age 18 or older) prior to any disclosure of a student's educational records unless a specific exception is applicable such that prior written consent is not required.

A student's educational records are those records that are:

- (1) directly related to a student; and
- (2) maintained by the District or by a party acting for the District.

Student educational records do not include:

- (1) records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record,
- (2) records of the law enforcement unit of the District, subject to certain limitations,
- (3) records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
 - (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity,
 - (ii) made, maintained, or used only in connection with treatment of the student, and
 - (iii) disclosed only to individuals providing the treatment. (For the purpose of this provision, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution,
- (4) records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student and
- (5) grades on peer-graded papers before they are collected and recorded by a teacher.

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A

school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that certain conditions are met.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to certain limitations.
- To organizations conducting studies for, or on behalf of, the school, in order to:
 - (a) develop, validate, or administer predictive tests;
 - (b) administer student aid programs; or
 - (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain limitations.
- Information the school has designated as "directory information."

The District shall not collect information which is not necessary for the determination of

student academic progress, state and federal reporting requirements, or other duties prescribed to a school district, or for the calculation of funding for public education.

Adopted: January 14, 2015

Legal	<u>ARSD 24:43:09:02 (Student records)</u>
References:	20 USC §1232 (Family Educational Rights and Privacy Act)
	34 CFR Part 99 (Family Educational Rights and Privacy Act Regulations)
	Public Law 107-110 (No Child Left Behind Act of 2001)
	<u>SDCL 13-3-51 (Data Reporting and Records Systems)</u>
	<u>SDCL 13-3-51.1 (Definitions regarding privacy of records)</u>
	<u>SDCL 13-3-51.2 (Information not subject to survey, analysis, or evaluation without consent)</u>
	<u>SDCL 13-3-51.3 (Prohibition against reporting personally identifiable information)</u>
	<u>SDCL 13-3-51.4 (Department to develop security measures to protect personally identifiable information)</u>
	<u>SDCL 13-3-51.5 (Disclosure of aggregate data otherwise allowed)</u>
	<u>SDCL 13-3-51.6 (Disclosure of aggregate data necessary for impact aid)</u>
Cross	<u>JO-N: Family Educational Rights and Privacy Act (FERPA) Notice of Rights-</u>
References:	<u>Student Records</u>
	<u>JOA: Student Directory Information</u>
	<u>JOB: Student Surveys</u>
	<u>JOB-E: Permission Form for Survey, Analysis or Evaluation</u>
	<u>IL: Testing Programs</u>
	<u>ILB: State Required Assessments</u>
	<u>JOB-N: Protection of Pupil Rights Amendment (PPRA) Notice of Right - Student Surveys</u>

STUDENT RECORDS
(Notification to Parents Form)

It is the policy of the district to notify an 18-year old student's parent or guardian of certain student records which must be disclosed under the No Child Left Behind Act, P. L. 107-1 10 (Title IX, Sec. 9528), and also to notify a parent or guardian of his or her right to request the district not to release such information without prior written consent.

Date: _____

Dear Parent/Guardian:

Pursuant to the federal "No Child Left Behind Act," P. L. 107-1 10 (Title IX, Sec. 9528), the School District must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses, and telephone numbers of high school students.

The district must also notify parents/guardians of their right and the right of an 18-year old child to request that the district not release such information without prior written consent.

Parents/guardians or eligible 18-year old students wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and institutions of higher learning must sign the form below and return it to the building principal by

_____.
(date)

Denial of Consent for the Release of Certain Student
Information Under the "No Child Left Behind Act"

Please do not release the name, address, and telephone number of,

_____ to military recruiters and institutions of higher learning.
(Name of Student)

(Print Name of Student) (School) (Grade)

(Parent's/Guardian's or 18-year old Student's Signature) (Date)

Adopted: January 14, 2015

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
Notice of Rights - Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents, guardians and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the District receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the District to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The District may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that certain conditions are met.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to certain limitations.
- To organizations conducting studies for, or on behalf of, the school, in order to:
 - (a) develop, validate, or administer predictive tests;
 - (b) administer student aid programs; or
 - (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.

- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain limitations.
- Information the school has designated as “directory information.”

Adopted: January 14, 2015

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STUDENT DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the District, with certain exceptions, obtain written consent from parents, guardians or from students who are 18 years of age or older ("eligible students"), prior to the disclosure of personally identifiable information from the student's education records. The main exception is that the District may disclose - designated "directory information" without written consent, unless the parent, guardian or eligible student has informed the District that prior written consent is required before disclosing the directory information. The primary purpose of directory information is to allow the District to include this type of information from the student's education records in certain school publications.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's, guardian's or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require the District to provide military recruiters, upon request, with the names, addresses and telephone listings of the students unless parents or guardians have advised the District that they do not want their student's information disclosed without their prior written consent.

If a student's parent, guardian or an eligible student, does not want the District to disclose directory information from the student's education records without prior written consent, the student's parent, guardian or an eligible student must notify the District in writing within thirty (30) days of the beginning of the school year or, if enrolling after the beginning of the school year, within thirty (30) days of enrollment.

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.

As required by state law, the District shall provide, by November first of each year, a list of students by name in grades seven to twelve, inclusive, together with their mailing addresses, to the executive director of the Board of Regents unless the parent has directed that the District not release directory information about the student.

As required by federal law, the District shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and shall, upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, and telephone listings, unless the parent of the student has submitted a request to the District that the student's information not be released without prior written parental consent

The District shall annually notify parents of the types of student directory information released. The notice will include:

1. An explanation of the parent's or eligible student's right to request that information not be disclosed without prior written consent;
2. Notice that the school routinely discloses names, addresses, and telephone numbers to the South Dakota Board of Regents and, upon request, to military recruiters, subject to a parent's or eligible student's request not to disclose such information without written consent; and
3. Notification on how the parent or eligible student may opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

Adopted: January 14, 2015

Legal	10 USC §503 (Recruiting campaigns, compilation of directory information)
References:	20 USC §1232g (Family Education Rights and Privacy Act)
	20 USC §7908 (Armed forces recruiter access to students information)
	34 CFR Part 99 (FERPA Regulation)
	Public Law 103-382 (Improving America Schools Act)
	<u>SDCL 13-28-50 (School districts to provide student mailing lists to Board of Regents)</u>

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Notice - Student Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose designated "directory information" without written consent, unless you have informed the District that prior written consent is required before disclosing the directory information. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's, guardian's or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require the District to provide military recruiters, upon request, with the names, addresses and telephone listings of the students unless parents or guardians have advised the District that they do not want their student's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing within thirty (30) days of the beginning of the school year or, if enrolling after the beginning of the school year, within thirty (30) days of enrollment. 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.

Adopted: January 14, 2015

STUDENT SURVEYS

No elementary school or secondary school student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning the following subject matters, without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent:

- (1) Political affiliations or beliefs of the student or the student's parent;
- (2) Mental or psychological problems or aspects of the student or the student's family;
- (3) Sex behavior or attitudes of the student or the student's family;
- (4) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (5) Critical appraisals of other individuals with whom the student has a close family relationship;
- (6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) Religious practices, affiliations, or beliefs of the student or student's parent;
- (8) Personal or family gun ownership; or
- (9) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);

Prior consent from parents must be obtained through a parental signature on a written notice received by the parents, identifying the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the parent has the right to refuse participation by the student in the survey, analysis or evaluation. (The term, parent, for purposes of this policy, includes a legal guardian or other person standing in loco parentis.

Prior written consent from an emancipated minor or student age 18 or older must be obtained through the student's signature on a written notice which identifies the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the student has the right to refuse participation by the student in the survey, analysis or evaluation.

The student shall not participate in the survey, analysis or evaluation if the school does not receive the required written consent. Denials of consent shall be reflected through the form being returned and in which consent is denied, or when the form is not be returned. Written

consent is required prior to a student participating in a survey addressing one or more of the topics identified above and in no case shall consent be presumed.

The District shall annually provide notice to students and parents/guardians of their rights as set forth in this policy, by publishing notice of the policy in the newspaper and in the student handbooks. The policy shall also be printed in the teacher handbook.

Adopted: January 14, 2015

Legal References: 20 USC §1232h (Protection of Pupil Rights Amendment)
SDCL 13-3 (51.1 thru 51.6 - Student Surveys)

PERMISSION FORM FOR SURVEY, ANALYSIS OR EVALUATION

It is the policy of the District that no student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning

- (1) Political affiliations or beliefs of the student or the student's parent;
- (2) Mental or psychological problems or aspects of the student or the student's family;
- (3) Sex behavior or attitudes of the student or the student's family;
- (4) Illegal, anti-social, self-incriminating, or demeaning behavior;
- (5) Critical appraisals of other individuals with whom the student has a close family relationships;
- (6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) Religious practices, affiliations, or beliefs of the student or student's parent;
- (8) Personal or family gun ownership; or
- (9) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);

Prior consent from parents must be obtained through a parental signature on a written notice received by the parents, identifying the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the parent has the right to refuse participation by the student in the survey, analysis or evaluation. (The term, parent, for purposes of this policy, includes a legal guardian or other person standing in loco parentis.

Prior written consent from an emancipated minor or student age 18 or older must be obtained through the student's signature on a written notice which identifies the nature of the survey, the purpose of the survey, that the student will not be personally identifiable (except possibly for identification as a male-female or by grade), and that the student has the right to refuse participation by the student in the survey, analysis or evaluation.

The student shall not participate in the survey, analysis or evaluation if the school does not receive the required written consent. Denials of consent shall be reflected through the form being returned and in which consent is denied, or when the form is not be returned. Written consent is required prior to a student participating in a survey addressing one or more of the topics identified above and in no case shall consent be presumed.

A request is being made by _____ (instructor) to survey students for the _____ (class/program). The topic of the survey is _____.

The purpose of the project is _____

I / We (check one)

☐ authorize _____ (student's name) to participate in the survey.
☐ do not authorize _____ (student's name) to participate in the survey.

Date

Parental/Guardian/adult or emancipated Student signature

Adopted: January 14, 2015

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)
Notice of Rights - Student Surveys

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)–
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use –
 1. Protected information surveys of students;

2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. [School District] will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. [School District] will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5

Adopted: January 14, 2015