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EQUAL EDUCATIONAL OPPORTUNITIES

All students of the district will have equal educational opportunities. See Discrimination/Harassment Policy and Procedures (AC).

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STUDENT ATTENDANCE

I. The District recognizes that students, parents/guardians, Instructional Staff and Administrators each have responsibilities to meet the attendance objectives of the District. This policy is intended as an aid in keeping students in school. A student enrolled in the District must attend classes every day school is in session until the completion of the school term.

II. STUDENT RESPONSIBILITY

- A. Students are required to be in school every day.
- B. In the event a student is absent, the student or parent/guardian is responsible for contacting his/her teacher(s) to obtain make-up work. The student must complete that work within the designated amount of time.
- C. A student must be in attendance at school for the entire school day in order to participate in any school sponsored activity conducted on that day. The principal/designee may grant an exception to this limitation if extenuating circumstances exist.
- D. Students with five (5) unexcused tardies will result in detention.

III. PARENT/GUARDIAN RESPONSIBILITY

- A. Parents/guardians are required to send students to school every day.
- B. Because of the concerns with the safety of each student, parents/guardians are to contact the school as soon as possible but no later than 10 a.m. of the day the student is absent.
- C. When the parent/guardian fails to contact the school on the day of the student's absence, and the school is unable to contact the parent/guardian, the student is required to bring written verification of the reason for the absence on the day or within one (1) full school day of the student's return to class. An unverified absence will be considered an unexcused absence/truancy.
- D. In the event a student is absent, the student or parent/guardian is responsible for contacting classroom teacher(s) to obtain make-up work and to complete that work within the designated amount of time.

IV. INSTRUCTIONAL STAFF RESPONSIBILITY

- A. Teachers are responsible for taking attendance and informing the attendance office personnel of students who are absent from class.

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- B. Teachers are expected to emphasize the importance of good attendance in order to experience success in class.
- C. Teachers are responsible for providing assignments and make-up work in a timely manner and setting expectations for completion.

V. ADMINISTRATOR RESPONSIBILITY

- A. The district will be responsible for establishing attendance procedures and for informing students and parents/guardians of these requirements at the beginning of each school year.
- B. It is the responsibility of school officials to have accurate records of student schedules.
- C. The principal/designee will maintain cumulative attendance records for each student and inform student/parent/guardian of attendance data at each attendance quarter.
- D. If a student is absent for three (3) or more consecutive days, office personnel will assist with acquiring assignments.

VI. TRUANCY

"Truancy" is any absence from school by a student under age 18, for part or all of one or more days during which the school has not been notified of the cause of the absence, or the school deems the absence unexcused. The district reserves the right to deem an absence excused or unexcused.

A truancy officer 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.

VII. EXCUSED ABSENCES

- A. The District retains the right to deem an absence excused or unexcused. Medical or other verification may be requested before the absence is deemed excused. The following guidelines may be accepted as valid reasons for a student to be excused:
 - 1. Personal and family illness.
 - 2. Emergencies.
 - 3. Leaves of educational value.
 - 4. Family leave (e.g. family weddings, funerals and preapproved vacations (limited)).

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5. Participation is a state, regional or national program of educational or cultural value (requires pre-approval from the administration).
- B. A parent/guardian must contact the school orally or in writing to seek to excuse the student's absence from school. This excuse needs to be shared with the school prior to or on the day of the absence, or within one (1) full school day of a student's return to school. School work missed must be made up.
 - C. Students needing to be excused for appointments must have a written note or phone call from the parent to the school in order to be released. Students needing to interrupt their normal school day for appointments are expected to notify the school when leaving and upon returning.
 - D. Students in grades K-8 who have an excess of 20 days of absences for the school year, excused or unexcused, may be retained or be required to attend a summer school program.

VIII. UNEXCUSED ABSENCES

- A. An unexcused absence from a class period/block will result in a student earning a zero for any work missed during the unexcused absence from the class period/block
- B. A student who is on campus but not in his/her regularly scheduled class will be considered unexcused.
- C. Any absence that is not explained by a parent/guardian within one (1) full school day of a student's return to school will be considered unexcused.
- D. The administration retains discretion in asking for medical documentation or other verification
- E. Although no credit can be earned for unexcused absences, students are encouraged to obtain assignments and complete missed work in order to remain current with the class content.

IX. MAKE-UP WORK

- A. FOR EXCUSED ABSENCES ONLY - Students must make up the work missed for an excused absence. Students will have at least as many excused school days as they were absent, plus one additional day, to complete make-up work. If the make-up is not completed in the allocated time a zero will be given for the assignments.

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X. CLASS DROPS

- A. If as a result of incomplete work, or excessive unexcused absences, it can be shown that a student cannot pass a high school class (grades 9-12), the teacher may request the administration to drop the student from class. A class drop will result in an "F" to be figured into the GPA.

Legal Reference: SDCL §§13-27-1; 13-27-6; 13-27-6.1; 13-27-14; 13-27-16; 13-27-19 through 13-27-21

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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. The 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.

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

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

The Board shall admit nonresident students to the District when it can be done without injuring or overcrowding the schools. Students that are non-residents of the District may be charged tuition.

Legal References: SDCL §§13-27-3.1; 13-27-29; 13-28-5; 13-28-7.1; SDCL 13-28-9; 13-28-14; 13-28-21; 13-28-22

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ADMISSION OF FOREIGN STUDENTS

The following guidelines are relative to the admittance of foreign students to Oelrichs High School:

- I. The program shall be a member of CSIET (Council on Standards for International Educational Travel). This is a not-for-profit organization committed to quality international educational travel and exchange. It establishes standards for organizations operating international educational travel and exchange programs at the high school level, monitors compliance with those standards, and disseminates information regarding international educational travel organizations. Membership is open to travel and exchange organizations, educational groups and individuals that support CSIET's goals and objectives. The sponsoring organization must have a local (greater Black Hills area) representative available for student and host families.
- II. The program sponsor shall secure prior written acceptance from the school principal or designee in order to confirm the assignment. The sponsor will obtain necessary J-1 exchange visa.
- III. At the time of approval, a decision will be made as to the appropriate class placement for the student. This will be accomplished after a thorough review of student transcripts. Students must have earned an equivalent of sixteen (16) approved credits or more to attain senior status and must meet the twenty-two (22) unit graduation requirements to be eligible for a diploma. Recommended classes include, but are not limited to, the following: one credit in English and one credit in U.S. history, civics, and/or U.S. government. Students are expected to participate in at least one school/extra-curricular/community activity. Upon completion of the exchange program school component, the student will be awarded a certificate in lieu of a diploma from the appropriate high school.
- IV. Students will not be approved unless they have a reasonable command of the English language. The school may request an audiotape/videotape/CO of English proficiency prior to the decision regarding approval.
- V. All transcript and other information shall be translated to English by the sponsoring agency.
- VI. Each school may accept a maximum of ten (10) students a year.
- VII. Representatives will meet annually to review procedures, guidelines, and concerns. This group will serve as a resource for host families and for Oelrichs foreign exchange students visiting overseas and for foreign exchange students visiting our district. The director of student achievement will call the annual meeting and other meetings as needed.

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- VIII. Oelrichs high school students attending schools abroad may receive credit toward graduation if the appropriate Oelrichs principal or designee grants approval. Credit may be granted to high school students for educational courses completed during summer study exchanges if approval has been granted by the appropriate Oelrichs principal or designee.
- IX. All arrangements for registration of students must be completed prior to August 1 for fall semester admission or prior to December 15 for spring semester admission.
- X. Those students that do not meet the above conditions shall be required to pay the full annual tuition.

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SCHOOL ADMISSIONS AND IMMUNIZATION REQUIREMENTS

Student Immunizations Policy

The laws of the state of South Dakota require that students receive specified immunizations prior to their admission to school. It is the intent of the Board to comply with the law through implementation of the following requirements and procedures.

A. Requirements

It is required that appropriate school authorities receive for each student a certification from a licensed health official stating that the student has received or is in the process of receiving adequate immunizations against those diseases specified in the law. As an alternative to the requirement for a certification, the law allows the student to present the following:

1. Certification from a licensed physician stating the physical condition of the child would be such that a test or immunization would endanger the child's life or health.
2. Religious exemption signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such test and immunization.

B. Student Immunizations Procedures

To comply with the South Dakota State law, the following procedures have been developed:

1. At the time of initial entrance of a student into the district, the appropriate certification or one of the alternative statements will be required from the parent or guardian.
2. All kindergarten students and students from outside the United States who enroll will have all age appropriate immunizations completed before the first day of attendance.
3. Students in grades 1-12 entering the district will be allowed two (2) weeks to present verification of their completed immunizations. If the proper certification is not presented by that time indicating that the immunizations have been completed, the student will be excluded from attendance.
4. All students who initially enroll in the district will have all state required age appropriate immunizations completed or in progress before they attend school.

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5. The school secretary will review immunization records. The immunizations will be monitored by the school nurse.
6. In those cases where parents fail to see that their child is properly immunized, causing the child to be excluded from school, child neglect proceedings may be initiated by the building principal.

Legal Reference: SDCL §§13-28-7.1, 13-28-7.2

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STUDENT DISMISSAL

- A. No school or grade may be dismissed before the regular hour for dismissal except by approval of the Superintendent or designee.
- B. No teacher may permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal or designee.
- C. No student may be permitted to leave school prior to the dismissal hour at the request of or in the company of any person other than the legal guardian of the child unless the permission of the legal guardian or principal or designee has been first secured. Unless there is an arrest, police or court officials requesting the dismissal of a student during school hours must have a court order or dated written permission from the guardian before the student may be dismissed.
- D. Students who must leave school for any portion of the school day are expected to report to the school office or to the nurse prior to leaving. The reason for this procedure is to provide assistance to the student when needed. Failure to report to the school office or nurse may result in being charged with an absence or truancy.

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STUDENT RIGHTS AND RESPONSIBILITIES

These statements set forth the rights of students in the public schools of the district and the responsibilities that are inseparable from these rights:

1. Civil rights – including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension and expulsion.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy in respect to the student's school records.

As part of the educational process, students should be made aware of their legal rights and of the legal authority of the Board to make, and delegate authority to its staff to make, rules regarding orderly operation of the schools.

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EDUCATION OF HOMELESS CHILDREN

Every child of a homeless individual and every homeless child is entitled to equal access to the same free, appropriate public education as provided to other students. The district must assign and admit a child who is homeless to a district school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The district may not require an out-of-district attendance agreement and tuition for a homeless child.

The Superintendent will review and revise as necessary rules or procedures that may be barriers to enrollment of homeless children and youths. In reviewing and revising such procedures, the Superintendent will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Homeless students will have access to services comparable those offered to other students, including, but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children.

A “homeless individual” is defined in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child may file a written complaint in accordance with the Complaint Policy for Federal Programs (KLE).

Legal Reference:

Title 42 US Code §11431 - McKinney Homeless Assistance Act

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STUDENT CONDUCT

- I. Students who exhibit the following kinds of behavior while on school property or while participating in a school-sponsored activity are subject to suspension from school or possible recommendation for expulsion pursuant to procedural due process:
 - A. Students, including those 18 years or older, who consume, possess, buy, sell, give away or are under the influence of a controlled substance, including alcohol, tobacco or other chemicals.
 - B. Students found guilty of altering school records, of forging signatures of parents, teachers or other school personnel, or of forging signatures of doctors or employers or knowingly using a falsified document.
 - C. Students found guilty of stealing or damaging the property of the school or of other individuals within the school jurisdiction.
 - D. Students who willfully disobey or defy reasonable directions given by school personnel (insubordination).
 - E. Students who are guilty of attendance policy violations, truancy, tardiness.
 - F. Students who possess, transmit, buy or sell; or assist other persons in obtaining, storing, keeping, leaving, placing or putting into the possession of another person; or use weapons or firearms of any kind. Students are prohibited from bringing to school or school-related activities any weapons or firearms. This prohibition will normally not apply to school supplies, such as pencils, compasses and the like, unless they are used in a menacing or threatening manner. If a student has intentionally brought a firearm onto school premises, the expulsion shall be for not less than one year. The Superintendent or the Superintendent's designee may modify a firearm-related expulsion on a case-by-case basis. Use or possession of a firearm must be reported to local law enforcement authorities.
 1. The following terms as used in this policy are defined as follows:
 - a. "Firearm" as defined in SDCL §13-32-7
 - b. "Weapons" will include objects not commonly considered as such, but modified for use as weapons, facsimiles of weapons, or replicas or toys that look like weapons, or as defined by SDCL §13-32-7.
 - G. Students found guilty of possessing, transmitting, buying, selling, using or bringing on to school property items such as inhalants/oils of cinnamon,

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pepper water, mace or any toxic substance that can do physical harm, externally or internally to self or others.

- H. Students found guilty of physically or verbally assaulting students or school personnel.
- I. Students found guilty of harassment or discrimination against students or school personnel as defined in Policy AC.
- J. Students found guilty of rumor spreading or agitation of a conflict situation, which can result in a fight by other people.
- K. Students who exhibit inappropriate and disruptive behavior, including profanity, inappropriate dress, parking and driving violations on school property and trespassing.
- L. Students found guilty of making threats or acts, which cause emergency procedures to be implemented for the building.
- M. Students found guilty of behavior, which threatens to do physical violence or other inappropriate activities to a person or their property.
- N. Students found guilty of Habitual Disobedience.
 - 1. Habitual disobedience is defined as behavior by students who have been advised on more than one occasion of their inappropriate behavior and the nature of it, including but not limited to disobeying a teacher; and despite being so advised and directed to cease behaving inappropriately, continue to behave in an inappropriate manner.
- O. Inappropriate behavior is defined as students who conduct themselves in such a manner as to disrupt the educational process and impede the learning of themselves and/or other students, and when requested to cease such behavior are disobedient and continue such behavior.
- P. Disruptive behavior is behavior that detracts from maintaining classroom discipline; unnecessarily draws attention to the students involved and away from classroom activity; and prevents those students and/or other students from their pursuit of learning.

Legal References: SDCL §§ 13-32-1; 13-32-4; 13-32-7

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STUDENT CONDUCT- INTERNET

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. Through this medium, students and teachers have access to a wide variety of resources including: access to many university and government libraries and library catalogs; electronic mail; information and news from countless federal and international agencies and governments; public domain software and shareware of all types.

With Internet providing access to computers and people all over the world, students could also gain access to material that would not be considered to be of educational value or to be appropriate in the context of a school setting. The District has taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control access to all materials. An industrious user could access controversial information if he or she was determined to do so. We firmly believe that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the district.

Access to the Internet is coordinated through a complex association of government agencies, and regional and state networks. The smooth operation of the network relies upon the proper conduct of the end users, which must adhere to certain Internet protocols and guidelines. In addition, the District has defined local guidelines addressing both the rights and responsibilities of students and Staff who access the Internet through district accounts and resources. These guidelines are detailed in [Internet Access \(IHAJ\)](#), [Acceptable Network and Internet Use Policy \(IHAJ-E\)](#), and [Staff Use of District Technology \(IIBGA\)](#), [Student Internet Copyright \(JFCCAA\)](#).

If a student violates any of these provisions, his or her account may be terminated and future access could possibly be denied.

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STUDENT INTERNET COPYRIGHT

Copyright is the intangible property right granted by federal statute for an original work. It provides the owner with exclusive rights: to prepare derivative works, to distribute by sale or otherwise, to perform publicly and to display publicly. The district encourages the creation of original works of authorship and the free expression and exchange of ideas.

This statement sets forth the district's policy on the copyright ownership of works produced at, by or through the Oelrichs' School District by students. The policy embodies copyright ownership and is otherwise consistent with the United States Copyright Law.

The policy applies to students and other non-employee persons or entities using district facilities.

- A. Copyright of a work produced by a student using district facilities shall reside with the originator.
- B. When there is more than one originator the ownership of each originator's contribution shall be considered separately. Rights between joint owners of a copyright shall be determined pursuant to copyright law.

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STUDENT CHEMICAL USE AND/OR ABUSE

- I. For the purpose of this policy, "drug" includes all controlled substances, illegal or controlled mood altering chemicals, all look-alike drugs, all chemicals that release toxic vapors and any prescription or patent drugs, except those medications prescribed by and under the supervision of a licensed physician in a manner consistent with Administering Medicines to Students (JHCD).
- II. The Board is committed to the prevention of drug, alcohol and tobacco abuse, and will take whatever measures may be necessary to protect the school community from exposure to these substances.
- III. The Board prohibits the use, possession and distribution of any drug, alcohol or tobacco product on school premises at any time, or at any event on or off school premises that is sponsored by this district.
- IV. Appropriate disciplinary sanctions will be imposed on students who violate the standards of conduct listed in the previous paragraph. Such sanctions may include suspension, expulsion and referral for prosecution and/or possible rehabilitation.
- V. This policy will be reviewed with students at the beginning of each school term and with all new students as they are enrolled in the district. Notification will be given annually to all parents and students of the standards of conduct, disciplinary sanctions and mandatory compliance requirements detailed in this policy.
- VI. The Board also recognizes that the success of this comprehensive program depends upon the mutual involvement and cooperative relationships among parents, community, law enforcement and the schools.

Procedure:

In the event a student's appearance or behavior is consistent with being under the influence of a chemical or controlled substance during the school day or/at any school sponsored activity, the student should be sent to the principal's office immediately. Similarly, if a student is observed with a questionable substance, transferring/passing/selling a questionable substance, the student should be sent to the principal's office immediately. In the event the student cannot immediately be directed to the principal's office, the staff member shall immediately inform the school administration about the symptoms they have observed.

A student under the influence of a chemical or controlled substance may exhibit any of the following, including but not limited to: nervousness, restlessness, dilated pupils, extreme exhilaration, extreme depression.

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Administrator shall take the following steps:

1. Observe the student and consider the information provided by the staff member or other witness. Take one of the three appropriate steps:
 - a. **Medical Attention.** In the event the student needs medical attention, the administrator should arrange for an ambulance (if necessary), contact the parent/guardian and contact the local hospital (describe the symptoms of the student and make arrangements for admission). The administrator should request a copy of the medical report. Subsequently, the administrator should hold a meeting with the student's parent/guardian and a counselor (if available) and determine proper disposition. During the meeting, the administrator and the parent/guardian should design an action plan, signed both by the parent/guardian and the administrator.
 - b. **No Medical Attention.** In the event the student does not need medical attention, the administrator should contact the parent/guardian and request they come to school. The administrator should hold a meeting with the student's parent/guardian and a counselor (if available) and determine proper disposition. During the meeting, the administrator and the parent/guardian should design an action plan, signed both by the parent/guardian and the administrator.
 - c. **Danger.** In the event the student under the influence is immediately threatening him/herself or others, the administrator shall contact the proper authorities to deal with the matter. Parent/guardian should be contacted as soon as practicable. Subsequently, the administrator should hold a meeting with the student's parent/guardian and a counselor (if available) and determine proper disposition. During the meeting, the administrator and the parent/guardian should design an action plan, signed both by the parent/guardian and the administrator.
2. A breathalyzer or litmus test may be used under the following conditions:
 - a. Reasonable grounds for suspicion of a student ingesting alcohol or marijuana is present.
 - b. Administrator must notify the parent/guardian and request they come to the school or site of the incident.
 - c. The student shall be given full disclosure of all evidence the school has against the student prior to administering the test. The student shall be given the option of taking the test, or refusing to take the test and withdrawing from school voluntarily. If the student denies or refuses the test, parental permission will be requested prior to a voluntary withdrawal from school.
 - d. The student should be informed about the test and the consequences of testing positive.
 - e. If the student tests positive, the student shall be given due process prior to suspending or expelling the student.

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3. Retain any substance taken from a student, believed to be intended for chemical use/abuse.
 - a. Any substance taken from a student, believed to be intended for chemical use/abuse shall be brought to the administrator to submit to the police for analysis. In the event the substance is identified as a chemical or controlled substance, the name of the student will be reported to the police.

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SUICIDE (Prevention and Intervention)

The District recognizes the need for the District to be prepared for effectively dealing with situations surrounding the issue of suicide among its student population. It is the policy of the school district to:

- A. Train staff members in identifying students at risk.
- B. Train school administrators, counselors, psychologists, and nurses in crisis intervention.
- C. Encourage suicide prevention/self-esteem activities within curriculum areas.
- D. Cooperate with community agencies to provide support services to students and their families.
- E. Establish procedures for a school response in the event of a suicide to include protecting the privacy of the student's family, informing the staff and students, communicating with the media, and providing follow-up services.
- F. The Board shall require procedure to address the following issues:
 - 1. The student who is potentially suicidal.
 - 2. The student who is identified as having committed suicide or suspected suicide off school grounds.
 - 3. The student who is identified as having committed suicide or suspected suicide on school grounds.
 - 4. Media guidelines.

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SUICIDE PREVENTION & INTERVENTION PROCEDURES

I. Procedure for Potential Suicide:

- A. Staff members must report any potentially suicidal student to the building principal/designee.
 - 1. The principal/designee will:
 - a. Question the student about feelings of hopelessness and the length of time of such feelings.
 - b. Question the student about any thought of killing himself/herself and how persistent and strong the thoughts are.
 - c. Question the student about any plans that have been made, how detailed the plans are, and what preliminary actions have been taken.
 - d. Advise the student regarding the action you plan to take.
 - e. Maintain close supervision of the student and assure them that you are there to be supportive.
 - f. Notify the parent/guardian.
 - g. Release the student only to a parent/guardian/law enforcement officer.
 - h. Advise the parent of community resources.
 - i. Follow up to determine if student is receiving assistance.
 - j. Document the actions taken.

II. Procedure for Off School Grounds Suicide/Suicide Attempt

- A. The Staff member who receives the initial information about a suicide must immediately contact the building principal/designee.
 - 1. The principal/designee will:
 - a. Confirm the suicide.
 - b. Call the family to express support and obtain accurate information.

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- c. Inform the Assistant Superintendent and building counselor(s) to determine appropriate action for informing students and staff.
- d. Meet with appropriate staff to plan for follow-up prevention strategies.

B. In the event of an attempted suicide the principal/designee will coordinate with agencies and/or family as to the student's re-entry plan.

III. Procedure for On School Grounds Suicide/Suicide Attempt

A. The principal/designee will:

- 1. Evaluate the situation as soon as possible.
- 2. Call 911 and/or other needed services (Fire, Police, Hospital, Ambulance).
- 3. Utilize predetermined signal given for designated personnel to meet in office or alternate meeting place.

Example Signal 1 = Designated personnel needed in office immediately.

Example Signal 2 = Designated personnel meet in office, teachers lock doors and stay in rooms.

- 4. Inform employees what is happening as soon as possible with procedure to follow.

Examples:

- A. Stay in room - lock doors.
- B. Report to specific area.
- C. Clear building.
- 5. Notify parents of the victim as to specific situation and directions.
- 6. Inform the Assistant Superintendent of the current situation and emerging developments and determine necessary action.

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7. Instruct employees to refer all information and questions to principal's office and remind employees that only designated spokesperson are authorized to talk with news media.
8. Coordinate information gathering and dissemination following media procedures.
9. Keep a log of all related incoming and outgoing calls and personal contacts.
10. Conduct mandatory meeting of all appropriate personnel for debriefing and future planning.
11. Meet with appropriate staff to plan for follow-up prevention activities.

IV. Procedure for Communications with Media

The building principal/designee will consult with the Superintendent and determine the media spokesperson.

In the event of media inquiries the designated media spokesperson will:

- a. Make every effort to maintain the privacy of the deceased student and respect the grief of his/her family. Media will not be notified in the event of a student suicide or suspected suicide.
- b. Refer the request for official confirmation of the student's death to the County Coroner's Office or other legal source, not the school district.
- c. Follow the "Right to Privacy Law", relative to student records when media requests are made for information about the deceased student.
- d. Inform the media that interviews of students and staff are not permitted on school property.
- e. Advise media of district emergency procedures, particularly regarding student and staff counseling.

Adopted/Reviewed/Revised:

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STUDENT INTERVIEWS & SEARCHES

A. The Board charges school authorities with the responsibility of assuring the safety and wellbeing of students in their care. In the discharge of the responsibility, school authorities and law enforcement authorities may interview students and search school property under the following guidelines.

B. Terms used in this section are defined as follows:

'Illegal or unauthorized material' means all substances or materials the presence of which is prohibited by school policy or state or federal law, including but not limited to controlled substances, drugs, alcohol or alcoholic beverages, or aerosol paint, guns, knives, weapons of any sort, and incendiary devices.

'Interview' means a discussion with a student regarding the students or another person's actions, statements, or behavior that threaten or could threaten the life, safety, or well being of a student or regarding anyone's possession of illegal or unauthorized material.

'Liaison Officer' means law enforcement officer who is an employee of the police department or sheriffs department but is assigned to the school district to assist in assuring the safety and welfare of the students.

'Principals Designee' includes but is not limited to an employee who holds a teaching certificate or security officer.

'Property of the District' means all real property, equipment, furniture, vehicles, and appurtenances to which the district has and claims exclusive ownership and control. Included within the term are lockers, desks, storage areas, and parking areas.

'Regular Officer' means any employee of a law enforcement agency who is not a liaison officer or school resource officer.

C. Designated School Officials May Interview Students.

1. A student may be interviewed by any employee of the district who has the right to interview students as an assigned part of the employee's official duties. Such employees include but are not limited to principals or principals designees, assistant principals, counselors, and the like.
2. A student may not be interviewed by any person who is not an employee of the district without the approval of the principal or the principals designee.
3. If the principal or the principals designee approves of a student interview by someone not employed by the district, the principal or the principals

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Designee shall determine whether the best interest of the student requires that the principal or the principals designee be present during the interview.

4. A school official shall not allow law enforcement officers or social service agency officers to interview any student unless criteria and guidelines in sections E, F, G, or H are met and followed.
5. In cases of emergency in which the life, health, safety, welfare or property is at stake, liaison officers may take immediate action without regard to notification procedures in Sections E and F. However, it is the obligation of the officer to notify parents as soon as possible if the student will be further involved as a witness or suspect.

D. Student Interviews by Regular Officers.

1. Principals or a principals designee may provide authority for interviews of students by regular officers. Guidelines provided in A or B must be followed.
 - A. If a student is under age 18, a regular officer may interview the student only after the principal or principal's designee has notified the student's parent or guardian and obtained permission to allow the regular officer to interview the student. A parent, guardian or other adult of the guardian's choice may be present during the interview by a regular officer of a student under the age of 18.
 - B. If a student is age 18 or over, the student may be interviewed only after the principal or principals designee has obtained the student's permission to allow the regular officer to interview the student. Such student may select an adult of their choice to be present during the interview by a regular officer.
2. Regular officers may interview a student without obtaining permission of a principal or a principal's designee only under the following conditions:
 - A. Upon proof to the principal or the principals designee of a court order allowing the interview.

E. Parental Access to Students within a Custody Situation.

1. As a basic premise in a custody situation both parents have the right of access to the student following the usual procedures dealing with parent-child communication.

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2. A request by the custodial parent to deny access to a student will be honored by a principal or the principal's designee within the limitations of a court order or other legal binding documents if such documentation is on file in the office of the principal and the order terminates parental rights or limits access to the child of the individual in question.
3. A request for access to the student by the non-custodial parent is to be granted unless such access is prohibited within the court order or the request is inconsistent with the visitation rights granted within the document.

F. Student Interviews for Suspected Child Abuse or Neglect.

1. Principals or the principal's designees may permit law enforcement officers or social service agency officers to interview a student for the purposes of investigating suspected child abuse or neglect if the principal or the principal's designee believes it is in the best interest of the child. In such cases, the principal or principal's designee need not notify the guardian and need not be present during the interview.

G. Inspections and Searches of School Property.

1. School property may be inspected by the principal or principal's designees to assure the health, safety, and well being of students and staff.
2. Lockers, desks and storage areas are provided for student and staff use, but remain the property of the district. The district retains its exclusive control over these areas and the principal or principal's designees may access them for inspection, maintenance and search for any reason, at any time, without notification to the student or the students guardian, without the students or the students guardian's consent, and without a search warrant.
3. A student has no expectation of privacy or a right to privacy in lockers, desks, or storage areas and no expectation of privacy or a right to privacy of any contents held within a locker, desk, or storage area. Principals and principals' designees may inspect, maintain and search all lockers, desks, and storage areas any may inspect and search any contents therein to assure the safety and well being of students.
4. Impeding access to a locker, desk, or storage area by use of any lock not provided by or approved by the principal is not allowed. Unapproved locks will be removed or destroyed.

H. Inspection and Searches of Vehicles Parked in School Parking Areas.

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1. To assure the safety and well being of students and to help deter vandalism, visual inspections of school parking lots and vehicles parked on school property will be made routinely by security staff. Security staff will report the presence of any suspected illegal or unauthorized material found in parking lots or parked vehicles to the principal or principal's designee.
2. If the suspected illegal or unauthorized material found could pose an immediate threat to the life of students and staff, security staff will take all appropriate measures to assure the life threatening hazard is removed.
3. The principal or principal's designee shall determine whether a vehicle containing suspected illegal or unauthorized material is owned by a student or is under the control of a student.
4. If the vehicle is owned by a student or is under the control of a student, the principal or principal's designee shall determine whether there is reasonable suspicion that the vehicle contains illegal or unauthorized materials. If the principal or principal's designee concludes there is a reasonable suspicion that the vehicle contains illegal or unauthorized material, the principal or principals designee may conduct a search of the vehicle.
5. A student, if available, can be present at his/her discretion during any search of his/her automobile.
6. If a vehicle containing suspected illegal or unauthorized material is not owned or controlled by a student, but is parked on school district property, the principal or principals designee shall report the presence of suspected illegal and unauthorized material to law enforcement, who may include school liaison officers , who will decide whether and how a search is conducted.

I. Use of Community Resources in Search of School Property.

1. A principal or principal's designee may use civil or community resources, such as the Highway Patrol Canine Team, to inspect and search school property, including lockers, desks, and storage areas, and vehicles parked on school property.

J. Search of a Student's Person and Personal Effects.

1. A principal or principal's designee may conduct a search of a student's person or objects or clothing in the student's possession or control, if the principal or principal's designee has a reasonable suspicion the student may possess illegal or unauthorized material.

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2. A student shall not be subjected to a strip search by anyone employed by the school district.

Legal Reference: SDGL 13-32-4; 13-32-1; 13-32-7
ARSD 24:07:01 et seq.

Adopted/Reviewed/Revised:

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STUDENT COMPLAINTS

The Board recognizes the right of students to file a complaint about actions taken within the District that affect them. Students may file a Public Complaint. See Public Complaints (KL); Public Complaint Form (KL-E1); Public Complaint – Report Form (KL-E2); Public Complaint – Request for Review Form (KL-E3); and Public Complaint – Tracking Form (KL-E4).

Adopted/Reviewed/Revised:

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CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional use of physical force upon a student for any alleged offense or behavior or the use of physical force in an attempt to modify the behavior, thoughts, or attitudes of a student.

The use of corporal punishment in any form is strictly prohibited in the public schools. No student will be subject to the infliction of corporal punishment by any teacher, other student, administrator, or other school personnel.

Restraint or reasonable and necessary physical force by a staff member may, however, be used in the following situations:

- A. For the purpose of self-defense.
- B. To prevent the student from injuring himself/herself or others.
- C. To protect property of the school or others.

Legal Reference: SDCL §13-32-2

Adopted/Reviewed/Revised:

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RESTRAINT AND SECLUSION

I. Purpose

The purpose of the policy is to provide guidance in promoting positive interactions and interventions for potential conflict, and for the use of restraint and seclusion, when necessary.

II. General Statement of Policy

- A. The policy of Oelrichs School District is to provide reasonable efforts to prevent the use of restraint and the use of seclusion. A non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) should be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students.
- B. Oelrichs School District believes the school environment should be one in which the care, safety, and welfare of all students and staff members are priorities. Efforts to promote positive interactions and solutions to potential conflict should be extensive. In the event that an individual's behavior presents a threat of imminent harm to self or others, the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

III. Definitions

A. Positive Behavior Interventions and Support:

- 1. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and
- 2. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors and teach appropriate behavior to students.

B. Physical Restraint:

- 1. The use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a mechanical restraint, or chemical restraint.

2. Brief but necessary physical contact permitted for the following or similar purposes:
 - a. To break up a fight;
 - b. To knock a weapon away from a student's possession;
 - c. To calm or comfort;
 - d. To assist a student in completing a task/response if the student does not resist the contact;
 - e. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

C. Requirements for the use of Physical Restraint:

1. Physical restraint may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. If physical restraint is applied the staff member must:
 - a. Obtain informed and signed consent from the parent;
 - b. Implement in a manner that is age and developmentally appropriate;
 - c. Ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;
 - d. Use the least amount of force necessary, for the least amount of time necessary;
 - e. Be appropriately-trained;
 - f. Continually observe the student for indications of physical or mental distress;
 - g. Contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved; and/or
 - h. Remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.

D. Prohibited Practices for Use of Restraints:

1. Staff members are not to use any physical restraint for which they have not been trained by the District. Staff members are not to use any unauthorized physical restraints. This includes but is not limited to:
 - a. Prone restraint, which is physical pressure applied to any part of the student's body to keep the student in a face down position on the floor or other surface;

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- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head, and or neck of the student;
- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
- g. Deprivation of basic needs;
- h. Chemical restraint;
- i. Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- j. Using other students or untrained staff to assist with restraint;
- k. Securing a student to another student or fixed object; and/or
- l. Aversive behavioral interventions.

E. Seclusion:

- 1. The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

F. Requirement for Use of Seclusion:

- 1. Given a threat of immediate risk of physical harm to the student or others, the following principles must always be applied:
 - a. A room or area used for seclusion must:
 - i. Provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - b. Staff must:
 - i. Implement in a manner that is age and developmentally appropriate;
 - ii. Ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. In the least amount of time necessary; and
 - iv. Be appropriately-trained.
 - c. Staff must continually observe the student for the duration of the seclusion;

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- d. If at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;
- e. Seclusion ceases when the immediate risk of physical harm to self or others has dissipated; and
- f. Upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

G. Prohibited for Use of Seclusion:

1. Use of seclusion in any environment that does not meet the above criteria;
2. Deprivation of basic needs;
3. Seclusion shall not be used:
 - a. In a locked room, or area;
 - b. As a form of discipline/punishment;
 - c. As a means to coerce, retaliate or in a manner that endangers a student;
 - d. For the convenience of staff;
 - e. As a substitute for an educational program;
 - f. As a substitute for less restrictive alternatives;
 - g. As a substitute for inadequate staff; and/or;
 - h. As a substitute for positive behavior supports or other crisis prevention.

H. Time Out:

1. A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting or the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

IV. Reporting Procedures

- A. The staff members using physical restraint or seclusion shall complete all District required reports and document staff's observations.
 1. As soon as possible under the circumstances, the staff member(s) using physical restraint or seclusion shall inform the appropriate school administrator of the use of physical restraint or seclusion;
 2. The District's Incident Report shall be completed upon occurrences of physical restraint or seclusion;

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3. Completion of the form and submission of the Incident Report and the Debriefing Report must be done within 24 hours of the staff member(s) using physical restraint or seclusion;
4. An administrator or a designated staff member shall attempt to contact the parent/guardian during the same day of incident; and
5. A copy of the Incident Report and the Debriefing Report must be made available to parent/guardian by the administrator or by the certified teacher/provider/member leading within 24 hours after receipt of the Incident Report.

B. The administration shall conduct an Incident Review to include:

1. Utilizing the District's Incident Review Form;
2. Evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
3. During the Incident Review, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment (FBA), and/or a Positive Behavior Intervention Plan (PBIP) must be completed.

V. Dissemination of Policy and Training

A. This policy shall appear on the Districts website.

B. Training and professional development:

1. The District will ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques.
2. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
3. All student personnel shall be trained annually on this policy.

VI. District Monitoring:

A. The school board, superintendent, and director of special services shall monitor the implementation of this policy.

B. This policy shall be accessible on the District's website.

- C. The district shall notify all parents annually on the school's website of its policy on seclusion and restraint.

VII. Complaint:

- A. A parent/guardian who feels that a school employee violated this policy may file a complaint pursuant to Policy KL - Public Complaints.
- B. If the student is a student with a disability, the parent/guardian of the student with a disability may file a complaint with the South Dakota Department of Education, Office of Special Education instead of filing a complaint pursuant to Policy KL - Public Complaint.

Adopted: Feb 8, 2021

Legal Reference: SDCL 13-32-20

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STUDENT BULLYING

I. Purpose

The purpose of this policy is to maintain a constructive, safe school climate that is conducive to student learning and fosters an environment in which all students are treated with respect and dignity. Bullying is prohibited by Oelrichs School District. Staff and students are expected to behave in accordance with federal, state, local laws, district policies, and in a way that respects the rights and safety of others. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, remediate, and discipline those acts of bullying which have not been successfully prevented.

II. General Statement of Policy

- A. The policy of the school district is to acknowledge that persistent bullying can severely inhibit a student's ability to learn and may have lasting, negative effects on a student's life.
- B. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, school district property, bus stops, at school-related functions or activities, or on school transportation.
- C. The bullying of students by students, staff or third parties shall be a violation of this policy, is strictly prohibited, and shall not be tolerated.
- D. This policy applies not only to students, staff, or third parties who directly engage in an act of bullying, but also to students, staff, or third parties who, by their indirect behavior, condone or support another student's, staff member's, or third party's act of bullying.
- E. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs:
 - 1. The mission or operations of the school district;
 - 2. the safety or welfare of the student or other students;

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3. materially and substantially interferes with a student's educational opportunities;
4. performance or ability to participate in school functions and activities; or
5. receive school benefits, services, or privileges.

- F. No teacher, administrator, volunteer, contractor, third party, or other employee of the school district shall permit, condone, or tolerate bullying. Retaliation against a bullying victim, good faith reporter, or a witness of bullying is prohibited.
- G. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources when the activity interferes with the learning environment.
- H. The school district will act to investigate all complaints of bullying reported to the district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

III. Definitions

- A. 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:
1. Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
 2. Substantially interferes with a student's educational performance; or
 3. Substantially disrupts the orderly operation of a school.
 4. Includes retaliation against a student for asserting or alleging an act of bullying.
- B. Stalking is defined as:
1. Willfully, maliciously, and repeatedly following another person
 2. Making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or
 3. Willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
- C. Cyberbullying includes transmission of information over the internet or other forms of electronic communications on, computers, tablets, cell phones, or other devices, and will not be tolerated. This includes, but is not limited to, harassing, teasing, intimidating, threatening or terrorizing another person by sending or posting inappropriate and/or hurtful emails, text messages, pictures or images, website

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postings, blogs, or any form of social media. Pursuant to SDCL 13-32-18, neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in § 13-32-15.

IV. Reporting Procedures

- A. Any staff member or other adult entrusted with the care of students within a school who observes or suspects bullying toward another individual is required to report the issue to his or her building supervisor or designee. As outlined in SDCL 13-32-17 any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure to remedy the reported incident. Pursuant to SDCL 13-32-16(3), the report may be filed anonymously.
- B. Any student that observes or suspects bullying behaviors is required to report the issue to the principal and/or the principal's designee(s) responsible for receiving complaints alleging violation of this policy and alleged bullying (see OSD Report of a Bullying Incident). If the observed or suspected bullying originates from the principal and/or principal's designee, bullying should be reported to the Superintendent. Students should follow school procedures as described in student handbooks to report incidents of suspected bullying. Pursuant to SDCL 13-32-16(3), the report may be filed anonymously.

V. Dissemination of Policy and Training

- A. This policy is in effect while students are on property within the jurisdiction of the board of education; while students are in school-owned or school-operated vehicles; while students are at school bus stops; 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 student or the district. The district expects students to conduct themselves in a manner in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other students and staff.
- B. The district will act to investigate all complaints (formal or informal, verbal or written) of bullying. The district requires that the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violation of this policy and alleged bullying. All students, parents, employees or other visitors are required to report alleged violations or alleged bullying to the school principal or the principal's designee. The principal or the principal's designee will be charged with the responsibility for investigating all complaints alleging bullying and will be responsible for determining whether an alleged act constitutes bullying and a violation of this policy.

If, after an investigation, a student is found to be involved in bullying in violation of this policy, the student shall be disciplined by appropriate measures up to and including student suspension and/or expulsion as defined by district policy.

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.

- C. This policy shall appear in student handbooks for elementary, middle and high school students and related district publications.

Legal References:

SDCL 12-32-14

SDCL 12-32-16

SDCL 12-32-19

§ 13-32-15

SDCL 13-32-17

SDCL 13-32-18

SDCL 22-19A-1

Revised: 02/14/22

Revised: 03/14/22

Revised: 04/11/22

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Procedure for Reporting an Act of Bullying

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying by students or third parties. Any student engaging in an act of bullying will be subject to policy Student Conduct - JFC and the OSD Discipline Matrix. Alleged bullying conduct by a staff member toward a student will be addressed through the policy Staff Ethics - GBC. The OSD Report of a Bullying Incident form is available in the Principal's office.

There are three phases to this process:

Phase 1: Report

Reporting of bullying is essential and will initiate a prompt investigation. We need the most accurate information to inform our next steps. Any individual can report an incident verbally or in writing, the written reporting form is available in the Principal's office.

The form may be submitted anonymously.

Phase 2: Investigate

A timely investigation will be conducted at the appropriate level to assess the situation and confirm the allegations. All named individuals will be asked to provide information from their perspective of the incident. Phase 2 will inform the final phases of this process.

Phase 3: Resolve/Restore

Using the information gathered from the report and investigation, the appropriate level administration will initiate the necessary action. An effort toward restoration will be attempted, honoring the victim first. If restoration cannot happen, a safety/support plan will be created and the offender will be held accountable per policy and/or the discipline matrix.

OSD Report of a Bullying Incident

This is a report to gather important information to facilitate an appropriate investigation of a suspected bullying incident. We appreciate the information you are about to provide. Pursuant to SDCL 13-32-16(3), the report may be filed anonymously.

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:

1. Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
2. Substantially interferes with a student's educational performance; or
3. Substantially disrupts the orderly operation of a school.
4. Includes retaliation against a student for asserting or alleging an act of bullying.

STALKING is defined as:

1. Willfully, maliciously, and repeatedly following another person,
2. Making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or,
3. Willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

CYBERBULLYING includes transmission of information over the internet or other forms of electronic communications on computers, tablets, cell phones, or other devices, and will not be tolerated. This includes, but is not limited to harassing, teasing, intimidating, threatening or terrorizing another person by sending or posting inappropriate and/or hurtful emails, text messages, pictures or images, website postings, blogs, or any form of social media. Pursuant to SDCL 13-32-18, neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in § 13-32-15.

NOTE: This includes ALL acts of bullying.

We take bullying very seriously so please take your time to be as accurate and honest as possible.

Victim's Name (optional): _____

School associated with the incident: _____

Suspected Bully's Name: _____

Date of alleged incident (month/day/year): _____

List any potential witnesses: _____

Detailed description of the incident: _____

If additional information is needed please submit additional sheets

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SUSPENSION AND EXPULSION

Definition of Terms

Terms used in this policy, unless the context plainly requires otherwise, mean:

- A. **Expulsion**: the action of the School Board to terminate a student's membership in school for not more than twelve (12) consecutive months.
- B. **Long-term suspension**: the exclusion by the Superintendent or School Board of a student from classes or school for more than ten (10) school days but not more than ninety (90) school days. Long-term suspension does not include in-school suspension for which a student receives academic credit.
- C. **Parent**: a parent, guardian or person in charge of a student.
- D. **Policy**: a rule, regulation or standard enacted by a school district Board.
- E. **Short-term suspension**: the exclusion of a student by a principal or Superintendent from classes or from school for not more than ten (10) school days. Short-term suspension does not include in-school suspension for which a student receives academic credit.

Short-Term Suspension

If a short-term suspension from a class, classes or school is anticipated because of a student's violation of a rule, regulation or policy, the principal or Superintendent shall give oral or written notice to the student as soon as possible after discovery of the alleged violation, stating the basis for the suspension. The student shall be given the opportunity to answer the charges. When a student is suspended, the principal or Superintendent shall give the parent oral notice, if possible and send a written notice, which provides information regarding the student's due process rights, to the parent or student, if the student is 18 years of age or older or an emancipated minor. An un-emancipated minor student shall not be removed from the school premises before the end of the school day without contacting a parent unless the student's presence poses a continuing threat or danger, in which case the student may be removed from the school and transferred into the custody of a parent or law enforcement official.

Long-term suspension and expulsion

- A. A principal may summarily suspend any student for up to ten (10) days. Any suspension by a principal shall be immediately reported to the Superintendent. The Superintendent may revoke the suspension at any time.
- B. The Superintendent may summarily suspend students for up to ninety (90) school days. In case of suspension by the Superintendent for more than ten (10) school days, the student, the student's parents or others having custodial care of

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the student may appeal the decision of the Superintendent to the Board of Education. The Superintendent must file a sealed, written report with the School Board no later than the fifth school day following the first day of the student's removal from one or more classes or from school for a long-term suspension or recommended expulsion. The report must include the facts of the situation, the action taken, the reasons for the action and the Superintendent's decision or recommendation. The report must remain in the possession of the School Board's secretary or business manager, sealed and unavailable for review by individual School Board members, until the time set for a hearing. The Superintendent must send a copy of the report to the student, if the student is 18 years or older or is an emancipated minor, the student's parents or a person having custodial care of the student. In the event of an appeal of a long-term suspension to the Board, the Superintendent shall promptly transmit to the Board a full report in writing of the facts relating to the suspension, the action taken by him and the reasons for such action. The Board, upon request, shall grant a hearing to the appealing party.

- C. **Suspension Stayed on Appeal:** In the event of a long-term suspension or a recommendation of expulsion, the student may give notice that he wishes to appeal the suspension or recommendation to the Board. In such cases, the suspension shall be stayed until the Board renders its decision, unless in the judgment of the Superintendent of Schools, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process; in which case, the student may be immediately removed from school and notice of hearing will follow as soon as possible.
- D. **Notice to Student:** If the Superintendent finds grounds for a long-term suspension or expulsion from a class or classes, the Superintendent shall give a written notice to the student's parents or to others having custodial care of the student. The notice shall contain the following information:
- (1) The policy allegedly violated;
 - (2) The reason for the disciplinary proceeding;
 - (3) Notice of the right to request a hearing or waive the right to a hearing;
 - (4) A description of the hearing procedures;
 - (5) A statement that the student's records are available at the school for examination by the student's parent or authorized representative; and
 - (6) A statement that the student may present witnesses. If a hearing is requested for a long-term suspension and in all cases of expulsion, the Superintendent shall set the date, time and place for the hearing. Notice by first-class mail to each School Board member, and by certified mail, return receipt requested, to the student's parents or emancipated minor

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student or student over 18 years of age. If no hearing is requested or the hearing is waived, the action of the Superintendent is final. However, the Board must act on a recommendation of expulsion before it is implemented.

- E. **Right to Waive Hearing:** The student, if of the age of majority or emancipated, to the student's parent or others having custodial care of the student, may waive the right to a hearing in writing to the Superintendent. If a hearing is not requested, it may be deemed waived.
- F. **Hearing Procedure:** The School Board shall constitute the hearing Board and shall conduct the hearing in the following manner:
- (1) A School Board member or a School Board designee who is not an employee of the school district shall be appointed as the presiding officer;
 - (2) Each party may make an opening statement;
 - (3) Each party may introduce evidence, present witnesses and examine and cross-examine witnesses;
 - (4) Each party may be represented by an attorney;
 - (5) The administration shall present its' case first;
 - (6) The hearing shall be closed to the public. A verbatim record of the hearing will be made and will be sealed pending court order;
 - (7) Witnesses may be present only when testifying. All witnesses shall take a oath or confirmation to be administered by the School Board present or business manager;
 - (8) Each party may raise objections; however, objections shall be limited to relevancy and scope of the question;
 - (9) All relevant evidence shall be admitted; however, unproductive or repetitious evidence may be limited by the presiding officer;
 - (10) The presiding officer may ask questions of witnesses and may allow other School Board members to interrogate witnesses;
 - (11) Each party may make a closing statement;
 - (12) After the hearing, the School Board will continue to meet in executive session for deliberation. No one other than the presiding officer of the hearing shall meet with the School Board during deliberation. The School Board may seek advice during the deliberation from an attorney.

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Consultation with any other person during deliberation shall occur only if a representative of the student is present;

- (13) The decision of the School Board shall be based solely on the evidence presented at the hearing and shall be formalized by a motion made in open meeting. The motion shall omit the name of the student and shall generally state the reason for the Board's action. The student or student's parents shall be notified in writing of the decision. The notice shall state the length of the suspension or expulsion.
- G. Right of Appeal: The student may appeal an adverse decision by the School Board to the circuit court.
- H. Attendance Policies: No attendance policy may exclude a student from school for more than ten (10) days without providing due process procedures pursuant to this chapter.
- I. Special Needs Students: If a student identified as in need of special education or related services pursuant to SDCL §13-37-1 is expelled or subject to long-term suspension, the procedures set forth in ARSD 24:05 and 26:09 and the Individuals with Disabilities Act apply.

CO-CURRICULAR ACTIVITIES

Student participation in co-curricular activities is a privilege, not a right. Therefore, the district reserves the right to exercise its discretion regarding whether and to what extent suspension or expulsion will affect a student's participation in co-curricular activities. The principal, or designee, Superintendent or designee may determine the dates and times during which a student shall be considered suspended in order to justly impose the sanctions and achieve the disciplinary objectives.

Legal References: SDCL §13-32-4.2, SDAR: _____

Adopted/Reviewed/Revised:

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NOTICE OF HEARING FOR LONG-TERM SUSPENSION/EXPULSION

You are hereby notified that _____ is charged with violating the following rule, regulation or policy of the Oelrichs School District. We have in our possession _____ that was seized from _____ at the time of the alleged violation. Persons witnessing the alleged violation include:

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 his representative to present his/her side of the story and confront his/her accusers and witnesses. The purpose of the hearing is to allow the administration to suspend _____ from _____ for a period of more than five days. Evidence and some of the student's records are available for inspection by the student, his parent, guardian or other responsible person and his 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

Legal References: SDAR: _____

Adopted/Reviewed/Revised:

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WAIVER TO HEARING FOR SUSPENSION/EXPULSION

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, _____ 20 _____

Student

Parent, Guardian or other responsible person

Legal References: SDCL §13-32-4.2

Adopted/Reviewed/Revised:

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STUDENT INSURANCE PROGRAM

Students participating in interscholastic athletics will be required to have accident insurance.

Arranging for such insurance is the responsibility of the student and parents or guardians. The district will make arrangements with an insurance company to offer a plan to students. Purchase of this insurance will constitute an agreement between the student/parent and the insurance company, not with the school. The District specifically disclaims any liability for performance under the terms and conditions of the policy.

Adopted/Reviewed/Revised:

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STUDENT COMMUNICABLE DISEASES

A determination of whether an infected student should be excluded from the classroom or school activities shall be made by the Superintendent and building principal with the concurrence of the State Department of Health. In situations where the Superintendent or his designee requires additional knowledge and expertise, they will refer the case to a team for assistance in the decision-making.

The team may be composed of:

1. The State Health Department representative as provided by SDCL §34-1-14 (2).
2. The student's physician.
3. The student's parents or guardians.
4. The Superintendent and/or designees.
5. The school nurse.

In making the determination, the team shall consider:

1. The behavior, developmental level, and physical condition of the student.
2. The expected type(s) of interaction with others in the school setting.
3. The impact on both the infected student and others in that setting.
4. The South Dakota Department of Health guidelines.

The team will officially request assistance from the State Health Department.

If an infected student is not permitted to attend classes or participate in school activities, the district will provide the student with an appropriate education program. If that requires personal contact between the student and school employees, only trained employees shall be utilized. Public information will not be revealed about the student who may be infected.

If the student is permitted to remain in the school setting, the following procedure will be followed by the Superintendent/principal.

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 school responsibilities.

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If a student is excluded from school because of a communicable disease, that student shall remain at home until the physician states that they may return.

Legal Reference: SDCL §§34-22-12; 13-43-3; 13-28-7.3; 34-1-14(2)

Adopted/Reviewed/Revised:

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COMMUNICABLE DISEASE GUIDELINES
(Students)

Health guidelines for school attendance are established and interpreted within the context of the situation. The guidelines are not inclusive but are available to be used as a resource. Specific needs will be addressed individually. School personnel will refer to school health professions for specific judgments in interpreting the guidelines.

<u>Disease and Incubation Period</u>	<u>Rules for School Attendance</u>
Acquired Immune Deficiency Syndrome (AIDS) 6 months - 5 years	Determination should be made by the team process as outlined in the Communicable Disease Policy. The State Department of Health's School Children with AIDS Policy shall be used as reference.
Chicken Pox 14-21 days	The student may attend school after all pox are dry and scabbed.
Fifth Disease (Erythema Infectiosum)	The student may attend school if there is no fever. Often times the student does not see a physician.
Cytomegalovirus (CMV)	The student may attend school. Precautions should be taken by contacts with immunosuppression as anti-cancer or organ transplants, as well as anyone with suspected or known pregnancy. Good handwashing in all cases should eliminate risk of transfer of infection.
Giardiasis	The student may attend school if the student practices hygienic bathroom skills. Good handwashing in all cases should eliminate risk of transfer of infection.
Enteric Infection (Giardia Salmonella, Shigella, Campylobacter, Rotovirus, E-Coli, Pinworms)	The student may attend school if no fever. The student may attend school if the student practices hygienic bathroom skills. Good hand washing in all cases should eliminate risk of transfer of infection

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Herpes Simplex	The student may attend school during an active case if the student has the ability and practices appropriate personal hygiene precautions, and the area of lesion is covered.
Impetigo	The student may attend school if treatment is verified and area is dried.
Hepatitis A 15-40 days	The student may attend school with physician's written permission, and if the student has the ability to take appropriate personal hygiene precautions.
Hepatitis B 45-160 days	Treat all blood as potentially infectious. Universal precautions, as posted in all schools, shall be enforced. Student may attend school.
Rubeola (Red, Hard, Measles)	The student may attend school after a minimum of seven days. Students who 8-14 days have had contact with Measles may attend school if immunization is up to date.
Infectious Mononucleosis (Glandular Infection) 2-6 weeks	The student may attend school as directed by the physician. The student may need adjusted school days and activities.
Mumps 12-21 days	The student may attend school after swelling has disappeared.
Pediculosis (Lice, Crabs)	The student may attend school after treatment. After repeated infestations of the same student, the student may be excluded until all nits are removed.
Pink Eye (Conjunctivitis)	The student may attend school after the eye is clear, under treatment or with physician's written permission.
Plantar's Wart	The student may attend school. Student should not be permitted to walk barefoot.
Ring Worm (Scalp, Body, Athlete's Foot)	The student may attend school if the area is under treatment and covered. Restrict known cases of athlete's foot from pools and showers until under treatment.

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Rubella (German measles 3-day) 14-21 days	The student may attend school after a minimum of four days. Students who have had contact with rubella may attend school if immunization is up to date. Prevent exposure of pregnancy.
Scabies (7 year itch or mites)	The student may attend school after treatment.
Streptococcal Infections (Scarlet Fever, Scarletina, Strep Throat)	The student may attend school 24 hours after initiating oral antibiotic therapy, and clinically well.
Influenza 3-7 days	The student may attend school if no fever. Good hand washing should eliminate risk of transfer of infection.

Adopted/Reviewed/Revised:

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PROPER HANDLING OF BODY FLUIDS

To provide a healthy environment for both students and employees, the following practices are to be observed within the schools:

1. Handwashing -- Wash hands before and after each student contact, with warm water and soap and immediately after gloves are removed. In an emergency situation, if gloves are not available, wash hands and other skin surfaces immediately and thoroughly if contaminated with blood or other body fluids.
2. Latex/Vinyl Gloves -- Wear gloves for touching blood or other body fluids, mucous membranes, or non-intact skin, and for handling items or surfaces soiled with blood or body fluids. Wear gloves if hands are chapped or have cuts or abrasions on them. Change gloves after contact with each student. Contaminated gloves should be placed in double plastic bags that prevent leakage and should be disposed of.
3. Food Preparation/ Personal Hygiene Care -- Sink and work stations for food preparation must be separate from personal hygiene care areas.
4. Personal Items -- Individuals should be discouraged from using each other's personal items.
5. Cleaning -- When cleaning environmental surfaces or bloodied materials, use a freshly prepared solution of 5.25% sodium hypochlorite (household bleach one part to ten parts water), or disinfect the area with a chemical germicide approved for use as a hospital disinfectant, or product registered by the Environmental Protection Agency as being effective against HIV with an accepted HIV label. Contaminated materials such as bandages or gauze that are used only once should be placed in double plastic bags and disposed of. Cleaning of carpets should be referred to the custodial service for extraction cleaning.
6. Needles/Sharps -- Place all needles or other "sharps" in puncture resistant containers for disposal.
7. Post Exposure to Body Fluids Procedure
 - A. For Employees:
 1. Report exposure to principal.
 2. Report needle sticks.
 3. Fill out the Accident Report.
 4. Report to business office within 24 hours.

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5. Proceed to their health care provider with the following questions:
 - a. Need for TD booster?
 - b. Need for Hepatitis B vaccine &/or A?
 - c. Need for HIV testing?

B. For Students:

1. The school nurse will verify the student's immunization status for TD boosters and Hepatitis.
2. Report any needle sticks.
3. The school nurse will communicate to the parent/guardian both verbally and in writing the following recommendations:
 - a. They should report the exposure to their health care provider.
 - b. The health care provider should be requested to address:
 - (1) Need for TD booster?
 - (2) Need for Hepatitis B vaccine &/or A?
 - (3) Need for HIV testing?
4. The school nurse will document on the Accident Report form.

Adopted/Reviewed/Revised:

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ADMINISTERING MEDICATIONS TO STUDENTS

Students will not be permitted to take medication while at school unless such medication is given to the student by the school district nurse acting under specific written request of the parent or guardian. A valid prescription is required for prescription medications.

When possible, students are encouraged to receive medications outside school hours. In those cases where medications must be taken during the student's time at school, the following procedures are to be followed as safeguard measures:

1. Definition

A. Nonprescription Medications

Nonprescription medications are those which may be purchased over-the-counter (OTC) without approval of a physician or other licensed health care provider.

B. Prescription Medications

Prescription medications are those which may be purchased only with the approval of a physician or other licensed health care provider and are prescribed for a specific individual.

C. Self-administration of prescription Asthma and Anaphylaxis medication.

See procedure JHCD-P Self-administration of prescription Asthma and Anaphylaxis Medication by Students.

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ADMINISTERING MEDICATIONS TO STUDENTS PROCEDURE

- I. 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.
- II. 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: JHCD-E1. 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.
- III. All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration.
- IV. 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.
- V. Non-prescription medications to be stored and/or administered should be in the original container. Non-prescription medications must have a Consent for Medication Administration completed.
- VI. It is the responsibility of the student to come to the office to take his/her medication.
- VII. 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.
- VIII. In accordance with South Dakota Law 13-32-11, any student with asthma or the potential for anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medication while on school property or at a school related event or activity provided the following conditions and authorizations are kept on file in the school office by the school nurse or principal using District Form JHCD-E2. The requirements for self-administration are:

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- A. The prescription asthma or anaphylaxis medication has been prescribed for the student as indicated by the prescription label on the medication.
- B. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider.
- C. Written authorization for the student to self-administer prescription asthma or anaphylaxis medication is signed by the parent, guardian or student (if age 18 or older).
- D. Written statement for release of liability for the school district and employees is signed by the parent or guardian.
- E. Written statement from the physician or other licensed health care provider is signed by the physician that states:
 - 1. The student has asthma, potential for anaphylaxis, or both and is capable of self-administering the prescription asthma or anaphylaxis medication.
 - 2. The name and purpose of the medication.
 - 3. The prescribed dosage for the medication.
 - 4. The times and circumstances under which the medication may be administered.
 - 5. The period for which the medication is prescribed.
- F. Upon using the prescribed medication, the student shall notify a teacher, school nurse or the office of the usage. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action by the school. The disciplinary action may not limit or restrict the student's immediate access to the medication.
- G. The physician or licensed health care provider's statement must be kept on file in the office of the school nurse in the school the student attends. The physician or licensed health care provider's order must be renewed annually.
- H. If any student uses medication in manner other than prescribed the student may be subject of disciplinary action by the school. However, the disciplinary action may not limit or restrict the student's access to medication.

Legal Reference: SDCL §13-32-11, SDCL §13-32-12

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CONSENT FOR MEDICATION ADMINISTRATION

Student: _____

Grade/Teacher: _____

I authorize the Principal/Designee of _____
School to administer the following to my child.

Medication: _____

Dose: _____

Time: (check and fill in correct time/reason for medication)

- 1) ___ Medication at _____ o'clock
- 2) ___ As needed to control asthma or wheezing but no more often than every 4 hours.
- 3) ___ As necessary for _____

- Prescribed medication will be provided in the original pharmacy-labeled container stating the student's name, name of the medication, the name of physician/licensed health care provider, the date of the prescription, the directions for use, and the dose to be given.
- Over-the-counter medications will be in the original store container and in an appropriate form and dose.
- Consents for cough medications will be good for a maximum of 2 weeks.
- The first dose of any medication must be given by parent/guardian.
- Parent/guardian is responsible to pick up medications from school.

I absolve the school personnel of all responsibility for any unforeseen development/ reaction due to the administration of the above named medication. It is the responsibility of the child to come to the office to take his/her medication.

Authorization start date _____ Authorization end date _____

Parent/guardian signature: _____

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Date/Time/Initial	Date/Time/Initial	Date/Time/Initial

 Signature Initials Signature Initials

 Signature Initials Signature Initials

Name of Child _____ Rx _____ Dosage _____

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**AUTHORIZATION FOR SELF-ADMINISTRATION OF PRESCRIPTION
ASTHMA AND ANAPHYLAXIS MEDICATION BY STUDENT**

Medical Authorization

Student _____ Grade _____

School _____ Teacher _____

Medical Diagnosis _____

Medication _____

Purpose for medication _____

Dosage _____ Route _____ Frequency _____

I authorize that this student is capable of self-administering this medication.

Authorization start date: _____ Authorization end date _____

Signature of Physician/Licensed Health Care Provider

Parental Authorization

I authorize my child to carry and self-administer the above prescribed medication while on school property or at a school-related event or activity. I understand that medication must be provided in the original pharmacy-labeled container stating the student's name, name of the medication, the name of physician/licensed health care provider, the date of the prescription, the directions for use, and the dose to be given.

If my child uses the medication in a manner other than prescribed, my child may be subject to disciplinary action by the school. However, the disciplinary action may not limit or restrict the immediate access to the medication.

Parent/guardian signature _____ Date _____

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Parental Release of Liability

I absolve the Oelrichs School District and its employees and agents from liability for any injury arising from the student's self-administration of this prescription medication while on school property or at a school-related event or activity.

Parent/guardian signature _____ *Date* _____

I authorize the Principal/designee of my child's school to administer the above prescription medication to my child if my child is unable to self-administer.

Parent/guardian signature _____ *Date* _____

Adopted/Reviewed/Revised:

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REPORTING CHILD ABUSE

Any school teacher, counselor, nurse or school official having reasonable cause to suspect that a student under 18 years of age has been starved, neglected, physically abused or subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately notify the building principal or Superintendent.

Upon receipt of information concerning suspected neglect or abuse, the principal or Superintendent shall notify immediately by telephone either the States Attorney's Office, the Department of Social Services, the County Sheriff or the City Police and apprise them of the suspected neglect/abuse situation, and document in writing the officials contacted and the nature of the contact.

Legal Reference: SDCL §§26-BA-3; 26-BA-6; 26-8A-7; 26-8A-8; 26-BA-9; 26-BA-10; 26-BA-13; 26-BA-1

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SUSPECTED CHILD ABUSE REPORT FORM

Student name _____

Grade _____

Referred by _____

Position _____

Building _____

Reported to _____

Date reported _____

Signature of school personnel reporting suspected neglect or abuse

Signature of building principal or designee receiving report

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STUDENT RECORDS

It is the policy of the school Board that the principal of each school will be the legal custodian of all student records for that school.

Eligible students and parents will have access to their school records. The school will notify parents and adult students annually of the following:

1. The type of records kept;
2. The procedure for inspecting and copying these records;
3. The right for interpretation;
4. The right to challenge data thought to be erroneous, the procedures for correcting or expunging erroneous data or inserting a rebuttal statement;
5. The right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented.

Additionally, the district will notify parents annually of the district's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

Educational Records. The educational records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others are exempted from this definition as are records maintained by a law enforcement officer assigned to the school and maintained by the officer solely for law enforcement purposes. The school will require a prior written consent before information other than directory information may be divulged to third parties.

Directory Information. 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 prior written consent. The Superintendent will provide a list of directory information according to U.S. Department of Education regulations.

An exception to this rule exists for school district employees who have legitimate interests in viewing the records, as well as officials in other schools in which the student seeks to enroll. A school district in which a student is enrolled or is in the process-of enrolling in, are entitled to see the student's records. The records, including the student's disciplinary records, will be forwarded to the requesting district within three (3) business days.

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The district may disclose, without the consent or knowledge of the eligible student or parent, personally identifiable information in the educational records of a student to the Attorney General of the United States or his or her designee in response to an ex parte order in connection with the investigation under the U.S. Patriot Act.

The Superintendent is directed to establish procedures to ensure compliance with the Family Educational Rights and Privacy Act and other applicable acts and regulations.

Legal References: Family Educational Rights and Privacy Act; 18 USC §§2331 and 2332(g)(5)(B); 20 USC 1232; P.L. 107-110, No Child Left Behind Act of 2001; ARSD 24:43:09:02

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FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the school district, with certain exceptions, obtain written consent from a student's parent or guardian prior to the disclosure of personally identifiable information from a student's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless a student's parent or guardian have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from student's education records in certain school publications.

Directory Information

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can be disclosed to third parties without a parent's prior written consent. Third parties include, but are not limited to, companies that manufacture class rings or publish yearbooks. The directory information provided below can be disclosed by the district without consent from students or their parents/guardians.

The district has designated the following information as directory information:

1. student's name;
2. address;
3. telephone listing;
4. e-mail address;
5. photograph;
6. date and place of birth;
7. the most recent educational agency or institution;
8. major field of study;
9. grade level;
10. dates of attendance;
11. degrees, honors, and awards received;
12. participation in officially recognized activities and sports;
13. weight and height of members of athletic teams.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents or guardians have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If a student's parent or guardian does not want the school district to disclose directory information from his or her child's education records without prior written consent, he or she must notify the District in writing by September 15 of each school year.

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Educational Record

The purpose of this policy is to govern access to student educational records and the release of student educational records and other information to persons, agencies and organizations within and outside the school system.

The Superintendent and/or principal (or designee) shall:

- be the custodian of all permanent records and shall inform the parent community of all policies pertaining to such records;
- protect the records from review by unauthorized personnel;
- maintain and preserve the confidentiality of the records;
- classify, review, and delete records;
- train school staff on the privacy rights of students and parents and procedures governing student records.

The educational record includes all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others are exempted from this definition as are records maintained by a law enforcement officer assigned to the school and maintained by the officer solely for law enforcement purposes. The district will require prior written consent before information in a student's educational record may be divulged to third parties.

Educational Record Request

A record is to be maintained describing each request for information from a student's record, excluding Instructional Staff. The records shall contain the following information: the name of the person making the request, the date of the request, the purpose of the request and whether or not the request was granted. Requests for information must be made by written request or in person.

Written requests may be honored under the following conditions:

- The request is made under an official letter head.
- The inquirer is properly identified in the correspondence.
- The purpose of the request is clearly stated.
- The written consent must specify the type of records to be released and to whom they are to be released.
- In an emergency situation when the student or parents cannot be reached, the principal or Superintendent may at their discretion release information as needed for the health and/or safety of individuals or other persons.
- Data for outside research may be released in such a way that no individual student information is identifiable.

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An in-person request shall be honored under the following conditions:

- The inquirer shows proper identification.
- The purpose of the request and the nature of the information requested must be stated and found satisfactory by the principal.
- The material shall be interpreted to the visitor by a qualified staff member.
- The staff member shall be present during the entire in-person visit.
- A record of the visit shall be made.

In the course of processing a request for information, a reasonable doubt on any aspect of the request or concern about the authorization to process the request shall be deemed sufficient reason for the staff member to act in a prudent manner and to withhold all or part of the information until such time as the question is resolved.

Telephone requests for student records will not be accepted.

Prior Written Consent

The district will require a prior written consent before non-directory (education record) information may be divulged to third parties. Prior written consent is not required for the following individuals:

- *Parents or guardians of students under 18 years of age;
- *Parents or guardians of students over the age of 18 who are listed as a dependent on the parents' Federal Income Tax return;
- Students who are 18 years of age;
- Students who are emancipated;
- Students who are married.

*Either parent or guardian has full access rights to the student's record unless the district has been provided evidence that there is a court order, State law, or legally binding document relating to the separation or custody that specifically revokes these rights and a copy of such evidence shall be maintained in the student's file.

Objection

Parents or guardians shall have the opportunity for a hearing to challenge the content of their child's school records to insure the records are accurate, not misleading or otherwise in violation of the privacy or other rights of students and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

Confidentiality Privilege of Counselors

The confidentiality law states that school guidance counselors who obtain information by reason of their employment as a qualified school counselor shall not be allowed to

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disclose any confidential communications properly entrusted to them by a student or parent or guardian without written permission of the individual involved.

Agency Reports

Agency reports such as child welfare, juvenile courts and hospitals, as well as those from private practitioners working with a student do not belong to the school. Agency reports do not belong to the school. They are loaned to the school to be used under conditions, which are specified by the lending agency. These reports are not party of the student's record. They are to be kept for only such a period of time, as they are relevant to the work with a particular student. They may be shared on a need-to-know basis with other Instructional staff. They are not to be released by the school.

Legal References: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill; and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

Adopted/Reviewed/Revised:

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STUDENT RECRUITMENT – ACCESS TO STUDENTS AND DIRECTORY INFORMATION

The School District restricts recruiting access to students and directory information. Directory information or class lists of student names, addresses, and/or telephone numbers shall not be distributed without the consent of the parent or legal guardian of the student or by the student age 18 or over. Military services representatives shall have access to student directory information unless such access is specifically denied in writing by the parent, legal guardian, or student age 18 or over as provided in the Family Educational Rights and Privacy Act (FERPA) policy JO and JO-N.

Military services representatives shall have the same access to secondary school students as is generally provided to postsecondary institutions or prospective employers. Such access may be specifically denied in writing by the parent, legal guardian, or student age 18 or over as provided in FERPA policy JO and JO-N.

This district will 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 military recruiters upon request, 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.

The notice will be provided on an annual basis.

Legal References: 10 U.S.C. §503 as amended by The National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107);
20 U.S.C. §7908 (§9528 of the ESEA) as amended by the No Child Left Behind Act of 2001 (P.L. 107-110).

Adopted/Reviewed/Revised: