

Oelrichs School District	SECTION A
Policy Manual	

FOUNDATIONS AND BASIC COMMITMENTS

- AA School District Legal Status
- AB Educational Philosophy
- AC Discrimination/Harassment Policy
- AC-E1 Verification of Discrimination/Harassment Policy and Procedures
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SCHOOL DISTRICT LEGAL STATUS

The Constitution of the State of South Dakota (Article 8, Section 1) charges the Legislature, "to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge and equally open to all."

The state constitution further provides for a State Department of Education and Cultural Affairs, under the supervision of a department secretary, to provide leadership and services to local school districts.

This School District constitutes a school corporation under the name of Oelrichs School District, No. 23-3 of Fall River County, South Dakota. The District is under the management and control of a locally elected school board which acts as an agent of the state and governs the public school in accordance with state and federal law.

Legal References: United States Constitution, Tenth Amendment;
Constitution of the State of South Dakota, Art. VIII, sec. I;
Constitution of the State of South Dakota Art. XXII;
Constitution of the State of South Dakota Art. XXVI, sec. 18;
SDCL §13-5-1; 13-5-2; 13-5-14; 13-5-15; 13-5-16; 13-5-17; 13-5-17.1; 13-5-29;
SDCL §13-6-1 et seq.

Adopted/Reviewed/Revised:

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EDUCATIONAL PHILOSOPHY

As Americans, we have been charged by our forefathers, to “assure the blessings of liberty for ourselves and our posterity.” These blessings of liberty are dependent upon a democratic civilization and an orderly society based upon just laws. The continuance of this civilization with all its rich traditions and cultural heritage depends upon education. It follows that equal educational opportunity must be available to all regardless of class race, or creed. Thus, education becomes man’s best means of insuring personal intellectual and spiritual freedom - the blessings of liberty. Therefore, we believe:

1. That education must provide the opportunity, incentive and atmosphere for each pupil to develop mentally, physically, morally and socially to the fullest extent of his abilities. Education then is a means of experiencing and continuing the democratic way of life and is a force that must help the pupil to develop basic knowledge, ideals, attitude, skills and aesthetic values to be a worthwhile citizen of our modern world.
2. That educators should recognize and make provisions for individual differences. The curriculum should be so flexible as to take in to consideration the environmental differences, interest, needs and abilities of each student. The instructional program of our schools must be flexible enough to provide for the differences in individuals and yet, it must be firm in its stand that minimum requirements of academic learning and social responsibility be met before any student can graduate.
3. That a democratic people must, of necessity, be an educated, self-disciplined people. The ever changing society in which we live demands that we be able to change with it, making it necessary to periodically evaluate, clarify and revise school policies, instructional methods and total objectives. To insure an effective educational program and to measure progress toward the objectives of the school, a program of continuous evaluation of instruction and personnel should be in operation.
4. That all activities under the direction and supervision of the school should be considered an integral part of the curriculum.
5. That students, their teachers, parents and administrators must be aware of common goals arrived at through informed citizen consultation. Only through a process of mutual understanding, friendly cooperation and intelligent consideration of all problems, can the school fulfill its role in the community.
6. That the teacher and all those directly responsible for education must strive to develop those personal qualities that will inspire students to put forth their best effort and through personal example, develop an educational atmosphere that creates respect for scholarship, knowledge and wisdom. In addition, it means that both his private and public life must be tempered by such discretion and judgment as to maintain, at all times, respect for his profession. It means that he

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must strive to become an integral part of his community, enjoying and sharing the duties and privileges of citizenship.

7. That the school shall maintain a program of guidance services in grades kindergarten through twelve and in special education, which should include student testing and appraisal, adequate records, career planning information and counseling. Such a program shall enlist teacher-parent-pupil cooperation in order to help realize to the fullest extent each student's varied talents and potentials and to seek solutions to special problems, both emotional and academic, which may affect the student.

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DISCRIMINATION/HARASSMENT POLICY

1. Purpose

The District prohibits discrimination against, and harassment of any student, employee, non-employee or community member, as defined in this policy. The District includes school facilities, school premises, school vehicles (and non-school vehicles) used to transport students, employees, non-employees or community members to school-sponsored activities and/or functions, and any other area where the District has control of the premises.

Through enforcement of this policy, the District seeks to educate, prevent, correct and discipline behavior that violates this policy.

2. Discrimination

Discrimination is defined as conduct including words, gestures, and other actions which disadvantages a person (or group) based upon the person's or groups sex (including pregnancy), sexual orientation, gender identity, race, color, ethnic background, national origin, religion, creed, age, veteran status, citizenship, political affiliation, disability, or any other protected characteristic under applicable federal or state law.

Personality differences or conflicts, general mistreatment not based on the above protected categories, or a response to poor performance are usually employee relations issues, not discrimination matters.

3. Harassment

Harassment is defined as a pattern of unwelcome conduct which is severe or pervasive enough to create a hostile working or learning environment, which continues after the harasser knew or was informed that the conduct was unwelcome, and which is based on a person's or group's sex (including pregnancy), sexual orientation, gender identity, race, color, ethnic background, national origin, religion, creed, age, veteran status, citizenship, political affiliation, disability, or any other characteristic protected under applicable federal or state law.

Petty slights, annoyances, and isolated incidents (unless extremely serious) may not rise to a level of harassment.

Sexual Harassment: Is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;

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2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions or academic performance; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

Sexual harassment must be so severe or pervasive as to create a hostile working or learning environment.

4. Retaliation

The District prohibits retaliation against any person because that person has asserted, or has assisted another person assert a discrimination or harassment complaint with the District or with any state or federal agency, or because that person has testified or participated in any manner in an investigation, proceeding or hearing concerning a complaint of discrimination or harassment. Retaliation is a violation of federal and state law, and may lead to disciplinary action against the offender.

Retaliation based on complaints which are false, malicious, or frivolous are not protected under this policy.

5. Reporting Procedure

All students, employees, non-employees and community members have a responsibility to maintain a positive learning, work and school environment by reporting all incidents or suspected incidents of discrimination and/or harassment involving themselves or others. The District has adopted procedures which provide for prompt and equitable resolution of matters protected by this policy. False, malicious or frivolous complaints of discrimination or harassment may result in disciplinary action.

A. Student Harassment or Discrimination

A student, parent, non-employee, or community member who believes they have been harassed or discriminated against (as defined in this policy), or who have witnessed harassment or discrimination, must follow the procedures in the Public Complaint (KL) policy. Failure to file a Public Complaint within the designated time periods constitutes a waiver of the right to file a Public Complaint.

B. Staff

Staff who believe they have been harassed or discriminated against (as defined in this policy), or who have witnessed harassment or discrimination, must within five (5) working days, notify the Public Complaint Coordinator.

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Public Complaint Coordinator

625 Walnut St.
Oelrichs, SD 57701
Phone: 605-535-2251

Staff must then proceed to follow the “Grievance Procedure” as provided in the appropriate Negotiated Agreement (Instructional Staff) or Staff Complaints and Grievances (GBM) (Administrators and Support Staff). Failure to timely file or timely appeal a Grievance within the designated time periods set forth in the applicable negotiated agreement/policy constitutes a waiver and renders any Grievance null and void.

C. Grievance or Public Complaint Withdrawal

Individuals may withdraw their Grievance or Public Complaint in writing at any time. However, the District reserves the right to proceed with an investigation and resolution of the complaint in order to effectively determine whether discrimination or harassment has occurred.

6. Confidentiality

It is the District’s intent to keep the information brought forward in a Public Complaint or Grievance confidential and limited to those directly involved with the complaint. It is the District’s expectation that all parties involved in a Public Complaint or Grievance will respect the confidentiality of the matters involved. Because an individual's right to confidentiality must be balanced with the District's obligations to investigate complaints, cooperate with police investigations or legal proceedings, or to take appropriate disciplinary action, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by South Dakota law.

7. Criminal Procedure

Nothing in this Discrimination/Harassment Policy prevents any person from filing a formal complaint with a state or federal agency. If it is determined that criminal charges may result or are pending, the District may elect to cease its investigation. The District will comply when necessary with a state or federal investigation.

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8. In-Service and Prevention

The District has the responsibility of educating its employees on the District's Discrimination/Harassment Policy and appropriate procedures. See "Reporting Procedure."

A. Staff and Substitute Teachers

Staff and substitute teachers will receive a copy of this Policy. The District will provide, on an annual basis, training to school employees. The District will maintain records verifying that each employee attended the training and that the employee understands the Discrimination/Harassment Policy and the appropriate procedures to follow if the employee witnesses or experiences discrimination or harassment. The training will educate employees regarding their rights and responsibilities, behaviors which constitute harassment or discrimination, and appropriate procedures to follow when they believe they have witnessed or experienced harassment or discrimination.

The annual training may include, but is not limited to the following:

- In-depth review of the District's Discrimination/Harassment Policy and appropriate procedures;
- Provide definitions of all types of discrimination and harassment and an overview of relevant state and federal laws, including the rights of individuals and groups of individuals;
- Identify appropriate identification of discrimination/harassing behaviors by students and/or staff;
- Identify appropriate prevention techniques; or
- Train in positive, appropriate communication alternatives to discrimination/harassment.

If the employee does not understand the Policy, it is the obligation of the employee to request that additional training be offered.

B. Students

Students who believe they have been harassed or discriminated against should immediately contact a teacher or other District employee. If an employee receives an allegation or complaint of harassment or discrimination from a student, it is the employee's obligation to direct the student to the Public Complaint Coordinator.

Public Complaint Coordinator
625 Walnut St.
Oelrichs, SD 57701
Phone: 605-535-2251

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Failure to report an allegation or complaint of discrimination or harassment from a student could result in disciplinary action.

C. Policy Dissemination

This Policy will be published annually in the Student Handbook and on the District's website.

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VERIFICATION OF DISCRIMINATION/HARASSMENT POLICY AND PROCEDURES

I, _____ (name), am a _____ (position held) at the Oelrichs School District. I have read and reviewed the District's Discrimination/Harassment Policy. In addition, I have read and reviewed the:

Grievance Procedure set forth in the Negotiated Agreement or Staff Complaints and Grievances (GBM)

AND

Public Complaint set forth in District Policy KL.

I understand the policy and procedures described above. In addition, I have received training on Discrimination and Harassment.

Signature: _____

Date: _____

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DISCRIMINATION/HARASSMENT POLICY INSTRUCTION VERIFICATION

BUILDING _____ SCHOOL YEAR _____

DATE OF IN-SERVICE _____ PRINCIPAL _____

Signature applies understanding of rules, regulations and procedure as set forth in the policy.

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