Dakota Valley
School District 61-8

DAKOTA VALLEY
PANTHERS

Policy Book

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Conflicts Disclosure

Name of the school official submitting the waiver: _____

The disclosure is for the purpose of notifying the school board of (please circle one):

An interest in a contract OR A direct benefit from a contract:

Identify the following:

(1) All parties to the contract

(2) The person's role in the contract

(3) The purpose(s)/objective(s) of the contract

(4) The consideration or benefit conferred or agreed to be conferred upon each party

(5) The length of time of the contract

(6) Any other relevant information

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

Signature of School Official: _____

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Board Action on Conflicts Disclosure

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

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

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

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

Signature of School Board President: _____

Printed Name: _____ Date: _____

Upon school board approval of the official minutes of the meeting when the school board acted upon the above conflict of interest disclosure, a copy of the official minutes will be emailed to the auditor general and mailed to the attorney general.

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Guest Speaker Request Form
Classroom or School-Sponsored Activity

Teacher/Sponsor: _____ Date: _____

Class/Activity: _____

Proposed Date and Time: _____

Speaker: _____

Speaker Affiliation: _____

Purpose and Message of Presentation: _____
_____
_____
_____

Speaker Qualifications: _____
_____
_____

I have read school district policy regarding guest speakers and have complied or will comply with all of its requirements.

_____ _____
Teacher Date

_____ _____
Principal Date

Approved: _____

Denied: _____

Reason: _____

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Guest Speaker Request Form
Assembly

Teacher/Sponsor: _____ Date: _____

Proposed Date and Time: _____

Speaker: _____

Speaker Affiliation: _____

Purpose and Message of Presentation: _____
_____
_____
_____

Speaker Qualifications: _____
_____
_____

I have read school district policy regarding guest speakers and have complied or will comply with all of its requirements.

_____ _____
Teacher Date

_____ _____
Superintendent Date

Approved: _____

Denied: _____

Reason: _____

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SERVICE ANIMAL REQUEST FORM

_____ _____

Date School Building

Name of Assisted Person: _____

Assisted person is □ Staff □ Student □ Other

Name of Animal Owner (if different than above): _____

Name of Animal Handler (if different than above): _____

Name of Animal: _____ Type of Animal: □ Dog □ Miniature Horse

If it is not readily apparent that the animal qualifies as a "service animal," please answer the following questions:

Is use of the animal required because of a disability? □ Yes □ No

What work or task has the service animal been trained to perform?

_____

I have read and understand the school district's Animals Policy. I will abide by the terms of that Policy. I understand that if the service animal is out of control, not housebroken, presents a direct and immediate threat to others in the school, or fundamentally alters the nature of the service, program, or activity that cannot be eliminated by reasonable modifications, the school district may exclude or remove my service animal from its property.

I agree to be responsible for any damage to school property or injury to personnel, students, or others caused by the animal. I agree to indemnify, defend, and hold harmless the school district from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my service animal.

_____ _____

Owner Signature Date

_____ _____

Parent/Guardian Signature Date

_____ _____

Assisted Person's Signature Date

_____ _____

Handler Signature Date

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Please attach the following documentation:

- ☐ **Proof of current licensure**
- ☐ **Proof of current vaccinations and immunizations from a licensed veterinarian (as required by state and local law)**

APPROVAL

_____ _____

School Official Signature Date

Title: _____

Note: This form is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or whenever a different service animal will be used.

McKINNEY-VENTO DISPUTE RESOLUTION WRITTEN

RESPONSE AND RIGHT TO APPEAL NOTIFICATION

Determination of District

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification and determination of the District was provided within 30 calendar days of the time such dispute was brought:

After reviewing the information relevant to the dispute, the District's determination and explanation for this determination is as follows:

_____
_____
_____
_____
_____

Administrator's Signature: _____ Date: _____

Signature of parent, guardian or other person having legal or actual charge or control of a homeless child or youth: _____ Date:_____

Signature of Unaccompanied Homeless Youth:

_____ Date:_____

****
****

Notice of Right to Appeal

If you are not satisfied with the determination on this dispute, you have the right to appeal as provided for in the District's Homeless Students policy and federal law.

For more information about the right to appeal, you may contact the following people:

(1) The District's Homeless Liaison at: _____; or
(2) South Dakota Department of Education Homeless Education Coordinator at: 605-295-1090.

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WRITTEN NOTIFICATION OF ENROLLMENT/PLACEMENT DECISION

WRITTEN NOTIFICATION OF
ENROLLMENT/PLACEMENT DECISION FOR STUDENT

The following written notification is provided to:

Parent/Guardian Name: _____
Unaccompanied Youth Name: _____

After reviewing the request to enroll the child/youth, the determinations are as follows:

McKinney-Vento Act Eligibility:

_____Child/youth qualifies under the McKinney-Vento Act.

_____Child/youth does not qualify under the McKinney-Vento Act. Following is the explanation of this decision.

_____
_____

Placement of McKinney-Vento Eligible child/youth:

Based on the best interest of the child/youth the placement will be at:

_____

Explanation of placement (if placement is not in school of origin or the school of choice of parent/guardian or unaccompanied youth):

_____
_____

Administrator Signature: _____

Date on which this Written Notification form was provided to the parent/guardian and/or unaccompanied youth:
_____

Parent/Guardian or Unaccompanied Youth Signature: _____

NOTE: If you are not satisfied with the determinations, you have the right to use the McKinney-Vento dispute resolution process as outlined in the District Homeless Policy. Contact the District Homeless Liaison and complete the Dispute Resolution Form.

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1001

General Policy Statement

The organization, management, and control of this school district is vested in its board of education ("board"). To guide the board and school district operations, and to assist it and its designees in carrying out duties, the board will establish, maintain, and amend a set of policies.

Written board policies serve the following purposes:

- Formally articulating the board's goals and long-term objectives.
- Providing district administrators and staff with guidance in making decisions that affect students, employees and patrons of the district.
- Informing the public of the manner that the board and district will conduct its business and its relationships with staff, pupils, parents and patrons.

To avoid unnecessary rigidity, these policies are stated in general terms. With the exception of statutory requirements or instances when the specific application of a policy is essential to the long-term welfare of the district, these policies are intended to provide administrators with the flexibility to apply them to a wide range of situations.

The policies are not the only guidelines for district operations. Specific regulations, procedures, and practices also help guide and govern actions and decisions. They must be consistent with policies but serve a different purpose.

Exceptional Circumstances

The board cannot foresee every situation that may arise, and circumstances will occur when these policies provide inadequate guidance. In such circumstances, the superintendent should use his or her best judgment, and communicate with the board about the situation as soon as is convenient.

Validity of Policies

Each policy and its provision should be interpreted so that it is valid under applicable law. If a court determines that a provision of a policy is invalid, such invalidity shall not affect the remaining provisions of that policy.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

1002

Creation, Amendment, and Distribution of

Board of Education Policies

Each of these policies shall become the official policy of the school district when the board has approved it by majority vote of the members present at any lawfully convened meeting of the board.

It shall generally be the practice of the board to adopt or amend any policy after a single reading at any regular or special board meeting. However, the board may, in its discretion, review policies at multiple meetings prior to taking action.

Each policy shall bear the date when it was adopted, revised or reviewed.

The superintendent shall distribute copies of these policies to all members of the board, maintain a master copy in the central office, and see to it that the policies are maintained on the school district's website.

The board may update or add policies as needed. The board shall determine the number of copies of policies to be made and their distribution. The superintendent shall maintain an up-to-date master copy of the policies in the main administrative office. Unless otherwise directed by the board, the master copy shall be considered the official district policy manual.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

1003

Mission Statement

The mission of Dakota Valley Schools is preparing every learner to engage fully and competitively in education to accomplish exemplary success and elevated experiences in life.

Adopted: July 11, 2022
Revised: September 11, 2023
Reviewed: _____

2001

Role of the Board of Education

The board of education (board) is charged by the Legislature with the duty of providing public elementary and secondary education to the citizens of the district. The Legislature has also created the State Board of Education and the State Department of Education and has delegated certain regulatory and advisory functions to them. The board is responsible to these agencies as specified by law.

The board's primary duties are: (1) to establish a mission, goals, and policies; (2) to establish and maintain school facilities; (3) to select a superintendent; (4) to adopt a fiscally responsible budget; and (5) to evaluate programs.

Establishment of Mission, Goals, and Policies

The board shall concern itself with broad questions of mission, goals and policy, rather than administrative details. The application of policies is an administrative task to be performed by the superintendent of schools and administrative staff, who shall be held responsible for the effective administration and supervision of the entire school district.

Establishment and Maintenance of School Facilities and Other Resources

The board is the legal agency through which the community works to provide the physical facilities, curriculum, instructional supplies and staff to enable the district's mission and objectives to be carried out. The board will establish and maintain school facilities necessary to educate the students of the district.

Selection of the Superintendent of Schools

The board will employ a superintendent of schools as the chief executive to whom it will delegate the administration of the school program. As the chief administrator for the board, the superintendent will implement board policies and supervise the day-to-day operation of the school system. The superintendent will keep the board informed of the implementation of the plans and policies and will recommend changes to policies as necessary. The superintendent will furnish educational leadership to the board, the school staff, and the community.

Fiscally Responsible Budget

The board will annually adopt a fiscally responsible budget that will permit the district to accomplish its goals and objectives. The management of the financial program and the development of the proposed budget for the district is delegated to the superintendent.

The board will work for adequate and dependable financial support of the public

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schools, promotion of effective and efficient organization, and administration of the district.

Evaluation of the Program

The board will evaluate, or cause to be evaluated, the progress and results of the educational program on a continuous basis. In making these evaluations, the board will seek and give appropriate weight to the superintendent's analysis and recommendations.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2002

Organization of the Board, Board Officers, Check Signing, and Committees

Membership, Term, and Election

A person may become a member of the school board if:

- Is at least 18 years of age;
- The person is a United States citizen;
- The person is a resident voter of the school district, and
- Complies with state and federal law regarding the election of public officials;

A person may not be elected to the School Board if they are an elected office holder whose duties are incompatible or inconsistent with the duties of a school board member. Such offices include state legislator, county commissioner, or the State Education Board.

The Board of Education shall be comprised of five members who will be elected at large. Those who wish to serve on the board shall file, be elected, and serve terms of office on the board according to law.

Board Organization and Officers

The Board will meet annually on the second Monday of July to elect a president and a vice president to serve in their respective capacities for one year. At this meeting, the Board may also:

- Designate an official depository;
- Designate custodians for all accounts;
- Designate a legal newspaper for publication for all official notices.

Signing and Authorizing Checks, Warrants, and other Instruments

The president shall sign checks, warrants, and other instruments of the district. The board may delegate another person to sign and validate any checks, warrants, and other instruments.

Board Officer Voting and Tie Breakers

The vote to elect board officers may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

In the event any officer cannot be elected by a majority after 10 votes; no votes occur after ten motions fail for lack of a "second,"; or no member volunteers to serve as an officer for a particular position, the tie will be broken by the applicable method:

- If the board is split between more than two members who wish to serve as the officer, any member wanting to serve as the officer will put his or her name into a drawing. The name drawn out will be the officer for the upcoming year unless the position changes by action of the board.

- If no member is willing to serve as an officer, all non-officers' names will be put into a drawing. The name drawn out will be the officer for the upcoming year unless the position changes by action of the board.

Committees

The board president may authorize such special committees as he or she deems necessary. The board president shall appoint members to the committee, and designate its function, tasks it is to perform, and a completion date for its work.

Vacancies

Vacancies shall be filled in the manner set forth by law. A vacancy on the board of education shall exist when a board member:

- Dies;
- Is removed from the board;
- Fails to qualify as a board member as provided by law;
- Ceases to be a resident of the school district or representation area where elected;
- Is convicted of an infamous crime or an offense involving a violation of the member's official oath;
- Has a judgment obtained against the member for breach of the member's official bond;
- Is incapacitated and is unable to attend to the duties of the position;
- Assumes the duties of an office incompatible with the duties of a school board member;
- Submits a formal resignation from the board.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

2003

Development and Education of Board Members

New Board Member Orientation

All new board members are strongly encouraged to attend new board member training and workshops. Sitting board members and the superintendent will assist each new member-elect to understand the board's functions, policies, and procedures before he or she takes office.

Ongoing Development and Education

Board members provide the most effective service to the district when they are continuously updated on educational and legal issues. Attendance at meetings directly or indirectly related to education or school matters is encouraged for the value they have to the school system and the professional growth of board members.

Board members are encouraged to engage in continuing education such as:

- Participation in local, regional, and state conferences and workshops such as meetings of the Association of South Dakota School Boards.
- Participation in legislative sessions and related activities.
- Participation in national conventions such as the National School Boards Association and/or the American Association of School Administrations on a rotating basis among the members.
- Examination of other school facilities and their programs.

The superintendent shall notify board members of all relevant conferences and workshops, other local and regional meetings, and/or in-service activities.

The school district will reimburse board members for the costs of attendance at continuing education and training.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2004

Oath of Office

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

> I, ____, do solemnly swear to support the Constitution of the United States and the Constitution of the State of South Dakota; I swear to faithfully and impartially perform my duties as a member of the School Board of Dakota Valley School District 61-8, residing in Union county in South Dakota to the best of my ability, and in accordance with the laws now in effect and hereafter to be enacted, during my continuance in said office until my successor is elected and qualified.

Board members may affirm the oath orally or in writing. Copies of written oaths will be retained as official records of the school district in the main administrative office and such other places as may be required by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2006

Complaint Procedure

Good communication helps to resolve many misunderstandings and disagreements. This complaint procedure applies to complaints unless the complaint is subject to a different procedure required by law, policy or contract. Individuals who have a complaint should discuss their concerns with appropriate school personnel in an effort to resolve problems at the lowest level of the chain of command. When those efforts do not resolve matters satisfactorily, including matters involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age, a complainant should follow the procedures set forth in any specific policy addressing those areas or the procedures set forth below. Allegations of sex discrimination covered by Title IX will be addressed through the board's Title IX policy.

References to "coordinator" in this policy refer to the board-designated coordinator for the applicable area, such as the Section 504 Coordinator for allegations of disability-based discrimination.

Under this policy, factual conclusions will be based on a preponderance of the evidence.

Complaint and Appeal Process.

1. The first step is for the complainant to speak directly to the person(s) with whom the complainant has a concern. For example, a parent who is unhappy with a classroom teacher should initially discuss the matter with the teacher. However, the complainant should skip the first step if complainant reasonably believes speaking directly to the person would subject complainant or complainant's student to discrimination or harassment.

2. The second step is for the complainant to speak to the building principal, coordinator, superintendent, or president of the board of education, as set forth below. Anyone with questions about the appropriate person to speak with may request clarification from the superintendent.

    a) Complaints about the operation, decisions, or personnel within a building should be submitted to the principal of the building.

    b) Complaints about the operations of the school district or a building principal should be submitted in writing to the superintendent of schools.

    c) Complaints about the superintendent of schools should be

submitted in writing to the president of the board of education.

d) Complaints involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age may be submitted to the applicable coordinator. Complaints involving discrimination or harassment may also be submitted at any time to the Office for Civil Rights, U.S. Department of Education: by email at OCR.KansasCity@ed.gov; by telephone at (816) 268-0550; or by fax at (816) 268-0599.

3. When a complainant submits a complaint to an administrator or coordinator, the administrator or coordinator shall first determine whether another applicable procedure is required by policy or law and if so, direct the complaint to the appropriate person to follow that procedure. If not, the administrator or coordinator will promptly and thoroughly investigate the complaint, and shall:

a) Determine whether the complainant has discussed the matter with the respondent.

1) If the complainant has not, urge the complainant to discuss the matter directly with the respondent, if appropriate.

2) If the complainant refuses to discuss the matter with the respondent, the administrator or coordinator shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.

b) Strongly encourage the complainant to reduce his or her concerns to writing.

c) Interview the complainant and, if necessary, the respondent against whom the complaint is filed, to determine:

1) All relevant details of the complaint;

2) All witnesses and documents which the complainant believes support the complaint;

3) The action or solution which the complainant seeks.

d) Respond to the complainant. If the complaint involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the

administrator or coordinator receives the complaint.

4. If either the complainant or the respondent is not satisfied with the decision, he or she may appeal the decision to the superintendent. The superintendent may assign a qualified designee to hear any appeal.

   a) The appeal must be in writing.

   b) This appeal must be received by the superintendent no later than three (3) calendar days from the date of the decision.

   c) For complaints addressed through other applicable procedures that do not include a separate investigatory process, the superintendent will investigate as he or she deems appropriate.

   d) The superintendent will prepare a written decision and provide it to the complainant and any other person entitled by law to receive the appeal decision. For complaints involving discrimination or harassment, the superintendent shall submit the decision within 180 calendar days after the superintendent received complainant's written appeal. Appeals to the superintendent from complaints involving discrimination or harassment are final once the superintendent delivers the written decision, as are all other appeals/complaints to the superintendent unless the complaint can be appealed on the limited grounds to appeal to the board below.

5. The board's role is to set policy, establish and implement a budget, and evaluate the superintendent. The board does not manage the daily operations of the school district entrusted to its administration unless required by law or policy. Because of the board's statutory roles, it does not hear complaints or appeals that may involve oversight or discipline of students, staff, or others, unless those involve allegations against the superintendent as discussed below. The board does not hear complaints or appeals based on allegations of discrimination or harassment unless otherwise required by law. The board will hear appeals only in the following circumstances:

   a) When the complaint is about a board policy, not implementation of the policy;
   b) When the complaint involves the budget or school expenditures that have been or must be approved by the board; or
   c) When the board is required by law, policy, or contract to hear a complaint or appeal.

If a complaint involves those limited grounds and a party is not satisfied with the superintendent's decision regarding the complaint or appeal, he or she may appeal the decision to the board.

d) This appeal must be in writing.

e) This appeal must be received by the board president no later than ten (10) calendar days from the date the superintendent communicated the decision to the complainant.

f) This policy allows, but does not require the board to receive statements from interested parties and witnesses relevant to the complaint or appeal. However, all matters involving discrimination or harassment allegations against the superintendent shall be promptly and thoroughly investigated by the board president or a designee.

g) The board president will notify the complainant and any other person legally required to receive the decision in writing of the decision. If the complaint involves discrimination or harassment allegations against the Superintendent, the board president shall submit the decision within 180 calendar days after receiving the written appeal.

h) There is no appeal from any decision of the board unless authorized by law.

6. Formal complaints about the superintendent shall be filed with the president of the board. However, complaints about the superintendent do not include disagreement with the superintendent's decision on appeal based on a complaint of discrimination, harassment, or action of any other employee who is not the superintendent. Upon receipt of a complaint, the board president or his or her designee shall promptly and thoroughly investigate the complaint, and shall:

a) Coordinate with school district staff, other than the superintendent, to determine if another procedure in policy or law requires the complaint against the superintendent to follow another procedure. If so, the board president will coordinate handling the complaint through that procedure. If another procedure applies, such as in the case of allegations of sex discrimination against the superintendent, the board president or, at his or her discretion, the full board will serve only to hear any appeal by a party to the complaint.

b) Determine whether the complainant has discussed the matter with the superintendent.

   1) If the complainant has not, the board president or designee will urge or require the complainant to discuss the matter directly with the superintendent, if appropriate or required.

   2) If the complainant refuses to discuss the matter with the superintendent, the board president shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.

c) Determine, in his or her sole discretion, whether to place the matter on the board agenda for consideration at a regular or special meeting by the full board.

d) Respond to the complainant or appeal. If the complaint or appeal involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the president received the complaint.

e) Appoint or contract with other individuals qualified to assist the board through this process or any other applicable procedure used to address allegations against the superintendent.

No Retaliation. The school district prohibits retaliation against any person for filing a complaint or for participating in the complaint procedure in good faith.

Special Rules Regarding Educational Services and Related Services to Students with Disabilities. Students with disabilities and their families have specific rights outlined in state and federal law, including administrative processes by which they may challenge the educational services being provided by the school district. Therefore, the appeal process contained in this policy may not be used to challenge decisions made by a student's individualized education plan (IEP) team or 504 team.

Complaints about the educational services provided a student with a disability, including but not limited to services provided to a student with an IEP, access to curricular and extracurricular activities, and educational placement must be submitted to the school district's Director of Special Education. The Director of Special Education will address the complaint in a manner that he/she deems appropriate and will provide the complainant with a copy of the Notice of IDEA Parental Rights promulgated by the South Dakota Department of Education.

Complaints about the educational services provided a student with a disability pursuant to a Section 504 plan must be submitted to the school district's 504 Coordinator. The 504 Coordinator will address the complaint in a manner that he/she deems appropriate and will provide the complainant with a copy of the Notice of Section 504 Parental Rights adopted by the board of education.

Complaints about the educational services provided to a student who is suspected of having a disability must be submitted in writing to the school district's Director of Special Education or to the district's 504 Coordinator. The Director of Special Education or 504 Coordinator will either refer the student for possible verification as a student with a disability or will provide prior written notice of the district's refusal to do so.

Bad Faith or Serial Filings. The purpose of the complaint procedure is to resolve complaints at the lowest level possible within the chain of command. Individuals who file complaints (a) without a good faith intention to attempt to resolve the issues raised; (b) for the purpose of adding administrative burden; (c) at a volume unreasonable to expect satisfactory resolution; or (d) for purposes inconsistent with the efficient operations of the district may be dismissed by the superintendent or board president without providing final resolution other than noting the dismissal. There is no appeal from dismissals made pursuant to this section.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

2007

Reimbursement and Miscellaneous Expenditures

Board members, employees, and volunteers of the school district are expected to maintain and enhance their effectiveness by being well- informed on issues affecting education. They are encouraged to attend education workshops, conferences, training programs, official functions, hearings, and meetings sponsored by the school district or state and national educational organizations which are helpful to them in performing their duties or which are in the best interests of the school district.

Reimbursement for Board Member Education

This board hereby gives prior approval for board members to attend meetings described in the preceding paragraph. Upon approval by the board president, or the superintendent or designee when the board president is unavailable, such board members may attend authorized meetings without further action or approval by the board, and shall be paid or reimbursed for registration costs, tuition costs, fees or charges, travel expenses, and costs of meals and lodging as permitted by law.

Approval and Reimbursement of Employee Education

The superintendent or the superintendent's designee may authorize employees and volunteers to attend meetings described in the first paragraph and may authorize the payment of such registration costs, tuition costs, fees, charges, travel expenses, costs of meals, and/or costs of lodging as he or she deems appropriate and as permitted by law.

Expenses for attendance at any of the above activities shall be paid by the school district as allowed by law. The Board shall pay or reimburse attendees for expenses that are actually, necessarily, and reasonably incurred in attending educational seminars, conventions, and workshops; conferences; training programs; official school functions, hearings or meetings, provided that such reimbursement is permitted by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2008

Meetings

The formation of policy is public business and will be conducted only openly in accordance with South Dakota law. A majority of the board constitutes a quorum to form such policy.

Types of Meetings

The board shall hold its regular meetings on the second Monday of each month. Special and emergency meetings may be called as provided by law. The board may schedule work sessions and retreats in order to provide board members and administrators with the opportunity to plan, research, and engage in discussion.

Notice

Public notice of the regular meeting will be given by posting the proposed agenda in the business office and on the school website at least twenty-four(24) hours prior to any meeting. The agenda for the meeting shall also be posted with the notice for the same period.

Notice of Special Meetings

Special meetings may be held by:

- upon call of the president;
- in the president's absence by the vice-president, or
- a majority of the board members.

Notice of a special meeting shall be given by the business manager to the board members either orally or in writing in sufficient time to permit their presence. Any local news media who have requested notice will be notified of the date, time, and place of a meeting in person, by mail or telephone prior to the meeting.

Remote Meetings

Any meeting of the Board may be done remotely in accordance with South Dakota law. For any remote meeting, a board member’s presence is determined whether he or she answers “present” to the roll call. Voting may occur by voice vote unless any member votes no, in which the vote must occur by roll call.

The Board will provide for at least one place where the public can listen and participate in the remote meeting. If less than a quorum of the board is physically present at a meeting, the Board will arrange for the public to listen to the meeting via phone or internet.

Minutes

The board shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

The record shall state how each member voted on each roll call vote, or if the member was absent or not voting.

The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record. The minutes must be made available to the public within ten business days of the meeting, unless the board makes available either a video or audio recording of the meeting within five days of the meeting. The minutes will be published within 20 days of the meeting and will be approved by the Board within 45 days, with any changes noted in the minutes for the meeting being held.

The published minutes will include, at either the top or the bottom and in the same type size as the rest of the notice:

- the approximate cost of the publication; and
- that the notice may be viewed free of charge on a statewide public notice website.

Executive Session

As permitted by law, an executive or closed meeting may be held for the sole purposes of:

1. Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
2. Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;
3. Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
4. Preparing for contract negotiations or negotiating with employees or employee representatives;
5. Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
6. Information pertaining to school safety as permitted by South Dakota law.

Adopted: July 11, 2022
Revised: August 14, 2023

2009

Public Participation at Board Meetings

The board of education shall conduct its meetings in accordance with state law.

The board shall make reasonable efforts to accommodate the public's right to hear the discussions and testimony presented at its meetings. The board shall permit public comment at meetings as required by law, subject to lawful limitations at the discretion of the board. Public comment is a limited forum, and such limitations include a prohibition against discussing particular staff members, students, or officers. Individuals may also be required to sign up in advance to allow the board to efficiently allocate time. The board may make and enforce other reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.

Speaking on an agenda item. Any individual who desires to speak about an item on the agenda, is asked to sign up with the superintendent or designee prior to the start of the meeting and will be recognized by the president or presiding officer before speaking on the agenda item.

Speaking on a non-agenda item. Persons who wish to speak about an item that is not on the agenda are asked to present such request to the superintendent or the board president in writing, prior to the beginning of the meeting. Persons who present such a request may be allowed to speak about the topic before the meeting is adjourned.

Procedures. Unless an extension of time is granted, a speaker will be limited to a maximum of three minutes. Speakers are asked to avoid repetition. If several people wish to speak on the same subject, it is suggested that a spokesperson be chosen.

The board may, at its discretion, enter into executive session in accordance with state law. The public will not be able to view or participate in the meeting while the board is in executive session and will be required to leave the meeting during the pendency of executive session. The board may enter into executive session in accordance with state law for the following reasons:

1) Discussing personnel issues, including but not limited to hiring or discipline;
2) Discussing student discipline or placement;
3) Consulting with legal counsel or reviewing communications from legal counsel;
4) Preparing for negotiations with collective bargaining associations;
5) Discussing marketing or pricing strategies by a board or commission of a business owned by a state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
6) Discussing school safety information as described in 1-27-1.5 (8) and 1-27-1.5 (17).

Library Materials. Any statements regarding specific library materials, regardless of whether the speaker wishes for the District to maintain a particular source or materials or wishes for the district to maintain a particular source materials or wishes for the district to

exclude a specific source or material, will not be allowed during public comment. Such requests will be considered in accordance with District Policy 6032. Statements regarding the District's policy itself will be considered subject to other lawful limitations on the statement.

Adopted: July 11, 2022
Revised: September 11, 2023
Revised: June 10, 2024

2010

Preparation for Board Meetings

The superintendent will create the agenda and board packet in consultation with the board president. The materials will be sent or delivered to each board member in advance of the meeting. Members of the public have no entitlement to place an item on the board's agenda but may address the board during the next meeting at which the board receives public comment.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY
PANTHERS

2011

Membership in Organizations

The board may hold membership in organizations approved by the board.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2012

Board Code of Ethics

The board recognizes that collectively and individually, all members of the board must adhere to an accepted code of ethics in order to improve public education. Board members must conduct themselves professionally and in a manner fitting of their position.

Each board member shall:

1. Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

2. Endeavor to make policy decisions only after full discussion at publicly held board meetings;

3. Render all decisions based on the available facts and his or her independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

4. Encourage the free expression of opinion by all board members, and seek systematic communication between the board and students, staff and all elements of the community;

5. Work with other board members to establish effective board policies and to delegate authority to the superintendent to administer the school district;

6. Communicate expressions of public reaction to the board policies and school program to other board members and the superintendent;

7. Learn about current educational issues by individual study and through participation in seminars and programs, such as those sponsored by the state and national school board associations;

8. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

9. Avoid being placed in a position of conflict of interest, and refrain from using the board member's position on the board for personal or political gain;

10. Refrain from discussing the confidential business of the board in any setting except a board meeting;

11. Refrain from micro-managing the affairs of the school district;

12. Recognize the superintendent as the executive officer of the board;

13. Work constructively and collegially with the other members of the board, students, staff and patrons.

14. Refer complaints to the superintendent or building principal, as appropriate;

15. Always be mindful of his/her fiduciary obligation to the school district, including duties of loyalty and care, by placing the interests of the district above the board member's personal interests.

16. Remember that a board member's first and greatest concern must be the educational welfare of the students attending this district's schools.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2013

Violation of Board of Ethics

The board of education is responsible for enforcing the code of ethics of its members. If any member of the board commits a serious or repeated violation of the code, the board may take any of the following steps:

1. The board president may confer with the board member who has violated the code of ethics in order to:

    a. Identify the provision of the code that the member has violated;

    b. Propose how the member can remedy the violation;

    c. If the board member who violated the code is the board president, the vice president is empowered to confer with the president about the violation.

2. The board may discuss the violation as an agenda item at a meeting to confront the offending board member. However, the board will not enter closed session to hold the discussion of the ethics violation unless state law permits a closed session.

3. The board may vote to publicly censure any board member who commits a serious or repeated violation of the code. The board will pass a censure motion to inform the community that an individual member of the board is not fulfilling the responsibilities for which he or she was elected.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2014

Relationship with District Legal Counsel

The board will engage legal counsel to assist it and the administration in dealing with legal issues. When the district faces circumstances in which legal counsel may be needed between board meetings, the board president or superintendent may engage legal counsel on the board's behalf.

The superintendent and the board president shall have the authority to contact the school's legal counsel on behalf of the district. The superintendent may give other members of the administration permission to contact the district's legal counsel on an as-needed basis. Individual board members other than the president may not contact the district's legal counsel on behalf of the board without the approval of the board president or a majority of the board.

Any board member who contacts the district's legal counsel without board approval may be personally responsible for any legal fees incurred as a result of the unapproved contact.

The superintendent will, to the extent permitted by law, keep the board informed of matters in which the district's legal counsel is involved.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

2017

Indemnification and Liability Insurance

In addition to circumstances where it is obligated to provide indemnity or procure insurance, the school board has broad authority to purchase insurance or otherwise indemnify school board members, officers, employees, or agents of the school district. The school board will purchase liability insurance and provide indemnification at its discretion and review its current coverages and indemnification obligations when it deems appropriate.

In the event the school district's current insurance, indemnification agreements, contract obligations, or other promises to indemnify do not cover a situation which the school board can agree to cover, the school board may authorize indemnification. The school board may elect to indemnify any board member, officer, agent, or employee if he or she is a party or is threatened to be made a party in any pending or completed suit, proceeding, or any other action, whether criminal, civil, administrative, or investigative, if the individual is involved because of current or past service on the board, employment, or agency relationship with the school district. However, the indemnification and defense will only be considered if such person acted in good faith and in a manner he or she reasonably believed to be in the best interests or not opposed to the best interests of the school district, including in a criminal proceeding if he or she had no reasonable cause to believe the conduct was unlawful.

In circumstances involving employees, the board delegates to the Superintendent the authority to provide the indemnification to the extent the Superintendent is authorized to procure legal services, as long as the indemnification is otherwise consistent with the authority granted under the law.

Adopted: July 11, 2022
Revised: _____
Reviewed:_____

3001

Budget

The board of education shall adopt a budget each year to support the school district's programs and services for the ensuing fiscal year. The superintendent of schools shall be responsible for developing the budget subject to the direction and decisions of the board. The budget document shall be under continuous development, based upon the requirements of the adopted educational program.

The superintendent, in conjunction with the business manager, shall prepare the proposed budget for the board to consider. The following deadlines apply to the budget process:

- The board must prepare a proposed budget according to the auditor general's standards before its regular meeting in May.
- The proposed budget and notice of budget hearing must be published in the designated newspaper before July 15.
- The budget hearing must occur before August 1.
- The board must approve the budget for the fiscal year of all funds except trust and agency funds before October 1.
- The board must publish in its meeting minutes any changes from the proposed budget within 30 days of the adoption of the final budget.

As the district's spending plan, the budget will be based on up-to-date revenue estimates, and will reflect the assessed needs and programs approved by the board.

Except for bids required under the section "Bid Letting and Contracts," the board's adoption of the budget shall authorize the purchases without further board action.

At each monthly board meeting, the business manager will provide a report on the current status of the major sections of the budget.

Adopted: July 11,2022
Revised: August 14, 2023
Reviewed:_____

3002

Deposits

The board of education shall designate the depository or depositories for all school funds. All funds received by the district shall be deposited promptly in the proper account of each such depository. All funds shall be insured by the Federal Deposit Insurance Corporation or a surety bond approved by the board on securities of the United States government pledged by joint custody receipt.

Funds collected by district representatives shall be receipted, accounted for, and directed without delay to the proper depository.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3003

Bidding for Public Improvements

Applicability of this policy. Construction and contracts undertaken with federal funds, whether those funds are derived directly from the federal government (e.g. award of a federal grant) or are derived by pass-through awards from the South Dakota Department of Education (e.g. special education funds, school lunch funds, Title I funds) are subject to the policy on Construction with Federal Funds, which is found elsewhere in this section.

This policy applies to all other purchases and contracts made by the school district for public improvements.

When Formal Bidding Required. The District will use the bidding process in this policy when the public improvement involves the expenditure of $100,000 or more.

Advertising for Bids. The superintendent or designee will arrange to advertise the invitation for bids in the legal newspaper designated at the annual meeting. The advertisement must appear at least twice, and the District will accept submissions until at least ten days have passed since the first appearance. Nothing in this policy shall prevent the superintendent or designee from advertising in additional media outlets or for a longer period of time.

Bid Invitation. The invitation for bids must include:

- a description of the work to be performed, including objectively measurable criteria which will affect the bid price. The description may also include criteria to determine acceptability of the work such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.
- all contractual terms and conditions applicable to the procurement;
- deadline for bid withdrawals;
- when and where the bids will be opened;
- If the bid is for supplies, the invitation must also include the length of time between bid opening and the award of the bid (which will not exceed 45 days); and
- An assertion of the District's right to reject any or all bids.

Bid Documents. The bid documents will identify:

- the time and place of the opening of the bids;
- the time between bid opening and when the bid will be awarded; where potential bidders may examine the plans and specifications;

Bid Modification. Bidders may withdraw or modify bids by letter, electronically, or in person prior to the time specified in the bid advertisement.

Bids cannot be modified or withdrawn by telephone. The District will support any decision to allow bid modifications or withdrawals with a written determination explaining the decision which will be included in the bid file.

Bid Opening. The District will open bids publicly with at least one witness at the time and place stated in the bid advertisement. The District will record the name of each bidder and amount of each bid. The District may waive technical irregularities in the low bid if the irregularities do not alter the price, quality, or quantity of the services.

Bid Award. The District will award the contract to the lowest responsible bidder within 30 days of opening for construction projects and 45 days for supplies or services. The District will award the bid to the lowest responsible bidder in accordance with state law and may give preference to a resident bidder in accordance with state and federal law. The District may reject any and all bids if none are satisfactory but will document the reasons for the rejection.

Bid Bond Requirements. Each bid must include a certified or cashier's check for five percent of the bid, made payable to the District. Alternatively, a bid may include a bid bond for ten percent of the bid amount issued by a surety authorized to do business in South Dakota. The District can waive this requirement if the bid does not exceed $50,000. The District will return all checks and destroy all bonds of unsuccessful bidders after bid opening.

Performance Bond Required. After awarding a contract, the successful bidder will furnish a performance bond for not less than the amount of the contract price. The District can waive this requirement if the improvement does not require the formal bidding process.

No Bids Received. If the District receives no firm bids, it may negotiate a contract at the most advantageous price. The district may negotiate such a contract with a construction manager pursuant to state law.

Emergency Procurement. The District may bypass the procedures in this policy if there is a threat to public health, welfare, or safety or for other urgent and compelling reasons. For every contract awarded under emergency conditions and for a period of five years, the District will maintain documentation of:

- the contractor's name;
- the amount of and type of contract; and
- a listing of service for each contract made under these conditions.

Local Preference. The District may, in accordance with South Dakota law, give preference to South Dakota bidders over nonresident bidders to the same extent resident bidders receive preferential treatment in the nonresident bidder's state of residence.

Change Orders. Changes to an existing contract do not need to use the formal bidding process if:

- The contract and proposed change both contain unit prices for the same type or class of work;
- The change is related to soils, utilities, or unknown conditions directly affecting the performance of the work not reasonably foreseeable at the time the contract was executed, and the project cannot be completed without the change; or
- The total of the proposed change order plus the total of all other prior unbid change orders does not exceed the following (not including changes under the other subsections of this paragraph):
    - For contracts not more than $500,000, $25,000 or 15% of the base contract; whichever is greater;
    - For contracts exceeding $500,000 but not more than $2,500,000, $75,000 or 10% of the base contract; whichever is greater; and
    - For contracts exceeding $2,500,000, the greater of $250,000 or 5% of the base contract.

Final Payment Conditions. Before the District makes a final payment on a contract for a public improvement, it will require the contractor to provide a certificate from the South Dakota Department of Labor stating that all contributions and interest due to the Department in the performance of the contract have been paid.

Adopted: July 11, 2022
Revised:_____
Reviewed: _____

3003.1

Bidding for Public Improvements Financed with Federal Funds

I. Applicability of the Policy

This policy applies only to construction and contracts undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control. The District will also comply with the requirements of South Dakota public bidding law. In addition, all procurement and construction shall comply with the rules and requirements of 2 CFR part 200.317 through 200.327 and 34 CFR sections 75.601 through 75.615. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

II. All projects undertaken pursuant to this policy will be subject to the following bond requirements:

A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

III. Construction Projects with an Anticipated Cost of Under $350,000

A. Methods of Bidding/Soliciting Quotations or Estimates

The type of procedures required depends on the anticipated cost of the project.

1. Construction with an Anticipated Cost of up to $15,000 (Micro-Purchases)

Micro-purchase means an individual procurement transaction for supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed $15,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing.

2. Construction with an Anticipated Cost of between $15,000 and $350,000 (Simplified Acquisition Procedures)

For construction projects subject to this policy, simplified acquisitions are purchases that, in the aggregate amount, is more than $15,000 and less than $350,000 annually. For simplified acquisitions, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts.

B. Construction Projects with an estimated cost of between $100,000 and $249,999 will be made pursuant to the District's Policy on Bid Letting and Contracts

Pursuant to South Dakota law, construction projects which have an anticipated aggregate cost of $100,000 or more are subject to state public bidding requirements. The board will follow its standard policy on bidding and contracts for construction projects financed with federal funds which have an anticipated aggregate cost of between $100,000 and $250,000.

IV. Construction Projects with an Anticipated Cost Over $350,000

A. Sealed Bids: All constructions projects subject to this policy with an anticipated cost of $350,000 or more will be publicly solicited using the sealed bid method

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. Sealed bids will be publicly opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.

4. The contract will be awarded to the lowest responsive and responsible bidder.
    a. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
    b. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
    c. Any or all bids may be rejected if there is a sound documented reason.
5. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.
6. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

B. Advertising for Bids

1. The superintendent or designee will arrange to advertise for bids by publishing notice in any newspaper of general circulation within the school district at least ten calendar days prior to the date on which bids are due. The advertisement must include the approximate cost of the publication and that the notice may be viewed free of charge on a statewide public notice website.

2. Nothing shall prevent the superintendent or designee from advertising in additional media outlets or for a longer period of time.

C. Bid Documents

1. The bid documents shall identify the day upon which the bids shall be returned, received, or opened and shall identify the hour at which the bids will close or be received or opened.

2. The bid documents shall also provide that such bids shall be opened simultaneously in the presence of the bidders or their representatives.
3. Bids received after the date and time specified in the bid documents shall be returned to the bidder unopened.
4. If bids are being opened on more than one contract, the board, in its discretion, may award each contract as the bids are opened.
5. Sealed bids will be opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.
6. Bids will be reviewed by the Superintendent and/or designee and submitted to the board for approval.
7. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.
8. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

D.The terms of any construction project undertaken pursuant to this policy will be memorialized in a written contract which has been reviewed by the district's legal counsel and approved by the board.

V. Other Contract Matters

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.327 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. This includes a "Buy American" provision that provides that as appropriate and to the extent consistent with law, the District and contractor should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of the Buy American provision must be included in all subawards including all contracts and purchase orders for work or products under this award.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business

enterprises, veteran-owned businesses, and labor surplus area firms are used when possible consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

C. Full and Open Competition

The district's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

D. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, public policy, compliance, proper classification of employees (See the Fair Labor Standards Act, 29 U.S.C. 201, chapter 8), record of past performance, and financial and technical resources when conducting a procurement transaction.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over $25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by reviewing the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

E. Settlements of Issues Arising Out of Contract

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

F. Record Keeping

1. Record Retention

A.) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

B.)The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). South Dakota law requires retention of successful bids for five past the expiration of the contract's term. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.334.

C.) Records will be destroyed in compliance with the state law and the South Dakota Local School Records Retention and Destruction Schedule.

2. Maintenance of Construction Records for Projects Financed with Federal Funds

A.) The District must maintain records sufficient to detail the history of all construction projects financed with federal funds. These records will include, but are not necessarily limited to the following: rationale for the method of construction, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

B.) Retention of construction records shall be in accordance with applicable law and Board policy.

VI. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.
B. Contracts covered by this policy are subject to the following additional provisions:
    a. Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.
    b. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the

parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

c. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

An employee, officer, agent, and board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except that this provision does not prohibit the receipt of unsolicited items of nominal value. For purposes of this policy, "nominal value" means a fair market value of $25 or less.

D. Enforcement

Disciplinary Actions including, but not limited to, counseling, oral reprimand, written reprimand, suspensions without pay, or termination of employment, will be applied for violations of such standards by officers, employees, board members, or agents of the District.

VII. Financial Management

A. Identification

The District will identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

B. Financial Reporting

The District will make an accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

C. Accounting Records

The District maintains records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Internal Controls

The Superintendent or his/her designee must maintain effective control and accountability for all funds, real and personal property, and other assets through board review and approval of claims, an annual audit of the district's finances

pursuant to the applicable federal rules and regulations, and comparison of expenditures and outlays to budgeted amounts. The District adequately safeguards all such property and assures that it is used solely for authorized purposes.

E. Budget Control

Actual expenditures or outlays will be compared with budgeted amounts for each federal award at least annually and more often as required by law or deemed prudent by the board or administrative staff.

F. Payment Methods

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the South Dakota Department of Education on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to $500 per year for administrative expenses. 2 CFR § 200.305(b)(9).

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the South Dakota Department of Education to review upon request.

G. Allowability of Costs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval.

When determining how the District will spend its grant funds, the Superintendent or his/her designee will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part. The Superintendent or his/her designee must consider these factors when making an allowability determination.

The Superintendent or his/her designee will consider Part 200's cost guidelines when federal grant funds are expended. The Superintendent or his/her designee will also consider whether all state - and District-level requirements and policies regarding expenditures have been followed.

H. Use of Program Income – Deduction, Addition, or Cost Sharing or Matching

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e)(1). The District may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e)(2). The District may also request prior approval from the federal awarding agency to use the cost sharing or matching method.

While the deduction method is the default method, the District always refers to the grant award notice prior to determining the appropriate use of program income.

I. Cost Sharing or Matching

For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

(1) Are verifiable from the non-Federal entity's records;

(2) Are not included as contributions for any other Federal award;

(3) Are necessary and reasonable for accomplishment of project or program objectives;

(4) Are allowable under subpart E (Cost Principles) of this part;

(5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;

(6) Are provided for in the approved budget when required by the Federal awarding agency; and

(7) Conform to other provisions of this part, as applicable.

J. Documentation of Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VIII. Other Contract Matters

Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.327 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are used when possible consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

Record Keeping

Record Retention

The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). The Records Retention and Destruction Schedule of the South Dakota Bureau of Administration Records Management Program requires the District to maintain records regarding federal awards for a minimum of five (5) years. Consequently, the District shall retain records for a minimum of five (5) years from the date on which the final Close Out Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

Maintenance of Procurement Records

The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Retention of procurement records shall be in accordance with applicable law and Board policy.

Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed:

3003.2

Construction Management-at-Risk

1. **Applicable Projects.** The District may engage a construction manager-at-risk (CM@R), in accordance with South Dakota law and this policy, if the District is planning, designing, or constructing a public improvement, or if the District is improving, altering, or repairing a public improvement.

2. **CM@R Actually Performing Construction.** A CM@R contracts directly with subcontractors and suppliers. A CM@R may contract to perform actual construction on the public improvement project.

3. **CM@R Actually Performing Construction.** A CM@R contracts directly with subcontractors and suppliers. A CM@R may contract to perform actual construction on the public improvement project. **Scope of Potential CM@R Services.** The services provided by the CM@R may include the following:

3.1. **Planning and Design Phase**.

3.1.1. Consulting with, advising, assisting, and making recommendations to the District and architect or engineer on all aspects of planning for project construction;

3.1.2. Reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs;

3.1.3. Making, reviewing, and refining budget estimates based on the District's program and other available information;

3.1.4. Making recommendations to the District and the architect or engineer regarding the division of work in the plans and specifications to facilitate bidding and awarding of contracts;

3.1.5. Soliciting the interest of capable contractors and assisting the District in taking bids on the project;

3.1.6. Analyzing the bids received and awarding contracts; and

3.1.7. Preparing and monitoring a progress schedule during the design phase of the project and preparation of a proposed construction schedule;

3.2. **Construction Phase**.

3.2.1. Maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project;

3.2.2. Observing the work as it is being performed for general conformance with working drawings and specifications;

3.2.3. Establishing procedures for coordinating among the District, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing labor policy in conformance with the requirements of the District's policy and making recommendations;

3.2.4. Reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract;

3.2.5. Making recommendations for and processing requests for changes in the work and maintaining records of change orders;

3.2.6. Scheduling and conducting job meetings to ensure orderly progress of the work;

3.2.7. Developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors, and providing periodic status reports to the owner and the architect and engineer;

3.2.8. Establishing and maintaining a cost control system and conducting meetings to review costs;

3.2.9. Performing general conditions of the construction contract as required by the District;

3.2.10. Contracting for, and actually performing, construction on the public improvement project; and

3.2.11. Contracting directly with subcontractors and suppliers.

4. **Initial Board Action**. Prior to engaging a CM@R, the Board must first

determine:

4.1. It is in the public interest to utilize the services of a CM@R; and

4.2. The CM@R's services would not unreasonably duplicate, and be in addition to, the normal scope of separate architect or engineer contracts.

5. **Qualifications-Based Selection Procedures.** Unless otherwise provided herein, the District's engagement of a CM@R must be pursuant to the solicitation and qualification-based request for proposals method of procurement as provided in this section 5.

5.1. **Advanced Publication**. This policy shall constitute the District's procedures for the solicitation and award of a CM@R contract. This policy shall be adopted and published prior to the District issuing any request for proposal (RFP) to enter into a CM@R contract.

5.2. **Qualifications**. Only qualified CM@Rs will be eligible to have their proposals accepted by the District. All interested CM@Rs must submit in their proposals evidence demonstrating the extent to which the CM@R satisfies the following standards and criteria:

5.2.1. The financial resources of the CM@R to complete the project;

5.2.2. The ability of the proposed personnel of the CM@R to perform;

5.2.3. The character, integrity, reputation, judgment, experience, and efficiency of the CM@R;

5.2.4. The quality of the CM@R's performance on previous projects;

5.2.5. The ability of the CM@R to perform within the time specified;

5.2.6. The previous and existing compliance of the CM@R with laws relating to the contract; and

5.2.7. Such other information as may be secured having a bearing on the selection.

5.3 **Notice of RFP.** The Notice of RFP will include information about how interested CM@R firms may obtain the complete RFP, which will include the instructions for preparing and submitting proposals. The District shall advertise the Notice of RFP as a legal notice in the District's appointed legal newspaper. The advertisement shall be printed at least twice, with the first publication at least ten days before the deadline for the submission of proposals. The first publication shall be in each official newspaper of the District, and the second publication may be in any legal newspaper of the state chosen by the District. If the District has no official newspaper, the first publication shall be made in a legal newspaper with general circulation in the jurisdiction of the District to be selected by the District. The advertisement shall state the time and place where the proposals will be opened or the deadline for the submission of proposals. In each notice, the District shall reserve the right to reject any or all proposals. The notice must include the approximate cost of the publication and a statement that the notice may be viewed free of charge on a statewide public notice website.

5.4 **Preparing and Submitting Proposals**. All interested CM@Rs must prepare and submit proposals in accordance with the specific details and instructions contained in the RFP. At a minimum, the proposals must include evidence demonstrating the extent to which the CM@R satisfies the qualifications standards and criteria described above. Proposals must also identify in writing any of the terms of the proposed CM@R agreement to which the proposer objects and/or seeks to amend.

5.5 **Request for Proposals (RFP)**. Among other components, an RFP must include the following elements:

5.5.1 The identity of the District;

5.5.2 A description of the proposed public improvement;

5.5.3 A description of the qualifications the construction manager will be required to have as described above;

5.5.4 The procedures to be followed for submitting proposals, the criteria for evaluation of a proposal and its relative weight, and procedures for making awards;

5.5.5 The proposed terms and conditions for the construction management services contract, including a description of the scope of services to be provided; and

5.5.6 All requirements for proposals.

5.6 **Evaluation of Proposals**. All proposals submitted will be reviewed by the board of education or its designee(s) and evaluated using the qualification standards describe above and the specific requirements stated in the RFP. The board or its designees may communicate with the CM@Rs, including but not necessarily limited to seeking clarifications or supplemental information from what was presented in the proposal. At the board's sole discretion, the board or its designee(s) may conduct interviews of one or more CM@Rs that have submitted proposals. At the end of the review process and any interviews, the board, in its sole discretion, will identify the CM@Rs that it deems are qualified (based on the standards above and the requirements of the RFP) and the number of CM@R firms with which it is interested in engaging in negotiations toward a potential CM@R contract, which determinations may be revisited at the board's option.

5.7 **Negotiations Between District and CM@Rs.** The board may authorize its administration or designee, in consultation with the District's legal counsel, to conduct the negotiations with one or more CM@Rs, if any. Nothing herein shall preclude the District from simultaneously negotiating with more than one CM@R provided that all CM@Rs with whom the District is negotiating must have been deemed qualified by the board. Ultimately, the terms of any actual CM@R contract are subject to the review and approval of the board of education.

5.8 **Confidential and Proprietary Information**. If the CM@R believes that any of the information that it is disclosing to the District throughout this process, whether in writing, orally, or otherwise, is confidential or proprietary information, then the CM@R shall identify in writing to the District the specific confidential or proprietary information and the basis for such confidentiality or proprietary nature. After receiving the identity of such information, the District will endeavor to avoid disclosing such information to the extent the District is permitted to do so under SDCL Ch. 1-27.

5.9 **Accepting Proposal and Awarding CM@R Contract.** If, through negotiations, the District and its preferred CM@R can reach acceptable terms on an updated proposal, then a CM@R contract will be updated and finalized to reflect as much. This proposed contract should be, but is not necessarily required to be, signed by the successful CM@R. The board of education will typically consider accepting the proposal and entering into the CM@R contract at a duly noticed public meeting. If the board accepts the proposal and enters into the CM@R contract, it will provide written notice to the CM@R submitting the accepted proposal and simultaneously notify in writing the other CM@Rs that their proposals were not accepted. The board's action to approve the proposal and enter into the corresponding CM@R contract will constitute acceptance of the proposal and awarding of the CM@R contract. The decision to accept a proposal and

enter into a CM@R contract, and the terms of each, are ultimately subject to the board of education's approval.

5.10 **Construction Bonds**. The CM@R must furnish payment and performance bonds for the public improvement project.

5.11 **Competitive Bidding the Work**. The CM@R must competitively bid all work to be performed under the CM@R contract as required by any statute governing bidding and bonding for public improvement projects.

5.12 **District Right to Reject Any or All Proposals**. The District reserves the right to reject any or all proposals submitted.

6. **Limited Exceptions to Qualifications-Based Selection Procedures**. Notwithstanding the foregoing, the District may engage a CM@R outside of the Qualifications-Based Selection Process described above in one of the following two circumstances:

6.1. **Emergency Procurement**. The District may award a contract to a CM@R on an emergency basis if rentals are not practicable and there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons, and such emergency procurement must be made with such competition as is practicable under the circumstances. Failure to abide by the applicable bid provisions required by state law in a timely manner does not constitute an emergency. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

6.2. **No Bids Received**. If, after advertising for bids, no firm bids are received, then District may negotiate a contract with a CM@R for the purchase of the supplies, services, or public improvement projects at the most advantageous price, if the specifications of the original bid or are met.

Adopted: July 11, 2022
Revised: August 14, 2023
Revised: September 9, 2024

3003.3

Design-Build Contracts

The board may enter into design-build contracts in accordance with state law if doing so is in the best interest of the public in order to complete the public improvement.

Requirements to Use Process. This decision will be included on the agenda of a regular meeting and the meeting minutes will describe the rationale for using this process. The project must meet one of the following conditions for the District to utilize it:

- The project requires a design and construction timeline faster than the traditional bid process would allow;
- The complexity of the project requires close coordination of design and construction expertise or an extreme amount of coordination;
- The purchasing agency requires early cost commitments; or
- The project can be defined at an early stage and the purchasing agency is able to specify all requirements.

Definitions. For purposes of this policy:

- Design-Build Contract (DB Contract) means any contract between the District and a design-builder to furnish the architecture, engineering, and related services as required, and the labor, materials, and other construction services for a public improvement. A design-build contract may be conditioned upon future refinements in scope and price, and may permit the purchasing agency to make changes in the scope of the project without invalidating the design-build contract;

- Design-Builder means any person that proposes to design and construct a public improvement under state law;

- Performance-Criteria Developer (PCD) means any person and the person's subcontractors retained by the purchasing agency to develop performance criteria;

- Performance criteria means requirements for the public improvement, including as appropriate, capacity, durability, production standards, ingress and egress requirements, building code requirements, or other criteria for the intended use of the public improvement, expressed in performance-oriented specifications or drawings suitable to allow the design-builder to make a proposal;

- Proposal means any offer to enter into contract in response to a request for proposals;

- Request for Proposals (RFP) means any document, whether attached or incorporated by reference, utilized by the District when soliciting proposals for contracts for the procurement of supplies, services, or construction.

- Request for qualifications (RFQ) means the document or publication whereby a purchasing agency solicits interested design-builders to pre- qualify for a design-build contract;

Qualifications for a PCD. In order to certify an applicant, the Superintendent shall make a finding that a PCD is fully qualified to render the required service. Factors to be considered in making this finding may include:

- capabilities to perform,
- adequacy of personnel,
- past record and performance, and experience; and
- consideration of recent, current, and projected workloads;
- experience;
- equipment and facilities;
- promptness, and the quality of work previously done by applicant;
- suitability to the particular task;
- willingness to meet time and budget requirements;
- and such other qualities as are found necessary to consider in order to determine whether or not, if awarded the contract, the applicant could perform it strictly in accordance with its terms capabilities to perform.

Procedure to select a PCD. The District will employ a licensed engineer or architect as PCD when the project will be over 5,000 square feet. The PCD will not submit a proposal to enter into the DB Contract, and the DB may not delegate or contract services to the PCD.

To apply to be the District's PCD, applicants must submit a current statement of qualifications and performance data to the District. The statement of qualifications must include evidence that the applicant is licensed or certified to practice architecture or engineering pursuant to state law. Applicants must update any information provided to the District to reflect any changed conditions of the applicant.

Rules and Procedures for Selecting and Hiring a PCD. The Board shall evaluate each qualified applicant's current statement of qualifications and performance data. The Board shall conduct discussions with and may require public presentations by applicants regarding their qualifications, approach to the project, ability to furnish the required service, and other factors identified above.

The Board shall negotiate a contract with the most qualified applicant for compensation which the Board determines is fair and reasonable. The Board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity.

If the Board is unable to negotiate a satisfactory contract with any applicants, it may select another applicant and continue negotiations until an agreement is reached or review the agreement under negotiation to determine the possible cause for failure to achieve a negotiated agreement.

Prequalification of Design Builders. The District, with the help of the PCD, shall prepare a request for qualifications and advertise it in accordance with state law as it would a public bid. The request for qualifications will include:

- The District's name;
- a description of the project;
- budget limits for the project;
- the requirements the DB must have;
- the criteria and their relative weight for prequalification;
- the approximate cost of the publication; and
- that the notice may be viewed free of charge on a statewide public notice website.

Letters of qualifications shall be reviewed by the District in consultation with the PCD. The District and the PCD will evaluate prospective Design-Builders based on the information submitted to the District in response to the request for qualifications.

The District shall evaluate and rank each proposal on the basis of best meeting the criteria in the request for qualifications and determine which proposals prequalify. Each prequalifying proposal will receive a request for proposal in accordance with this policy.

Contents of RFPs. The District, with the help of the PCD, shall prepare the RFP, which shall contain:

- The District's name and the identity of the performance criteria developer;
- the procedures to be followed for submitting proposals;
- the criteria for evaluation of a proposal and its relative weight;
- the procedures for making awards;
- the proposed terms and conditions for the design-build contract;
- the performance criteria, which shall include the following:
  - the District's preliminary program of space needs and special requirements;
  - performance standards for materials and equipment; and
  - minimum system requirements and efficiencies;
- a description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that is acceptable;
- a schedule for planned commencement and completion;
- budget limits;
- affirmative action, disadvantaged business, or set-aside goals or requirements for the design-build contract, if any;
- requirements for performance and payment bonds, and insurance;
- the compensation, if any, to be given to design-builders submitting proposals who are not awarded the project;

- whether project financing is in place;
- a schedule for payments to the design-builder;
- site identification and geotechnical information if the site is District provided;
- location of existing utilities and their capacity if the site is District provided;
- warranty and guarantee requirements; and
- other information the District chooses to require.

Preparing and Submitting Proposals.

Prequalified Design-Builders shall prepare and submit Proposals as required by the RFP. All Proposals shall be sealed. Proposals shall not be opened until expiration of the time established for making Proposals as set forth in the RFP. Proposals may be withdrawn at any time prior to acceptance. The District has the right to reject any and all Proposals except for the purpose of evading the law. The District may thereafter solicit new Proposals using the same or a different Project Performance Criteria.

Evaluation of Proposals.

The District may proceed to enter into a DB contract in accordance with state law. The PCD will review the proposals in accordance with the performance criteria. The PCD will determine whether a proposal is consistent with the performance criteria and issue a written decision to the Board if the proposal conforms to the performance criteria. The Board will evaluate the following factors when evaluating the proposals:

(1) The financial resources of the design-builder to complete the project;

(2) The ability of the proposed personnel of the design-builder to perform;

(3) The character, integrity, reputation, judgment, experience, and efficiency of the design-builder;

(4) The quality of performance on previous projects ;

(5) The ability of the design-builder to perform within the time specified;

(6) The previous and existing compliance of the design-builder with laws relating to the contract; and

(7) Such other information as may be secured having a bearing on the selection.

The Board will assign a relative weight of each of these factors, which must match those as described in the RFP.

Negotiations between the District and Design-Builders Submitting Proposals Prior to the District's Acceptance of a Proposal. The Board may negotiate with those submitting proposals prior to accepting a proposal. These negotiations may encompass any terms provided for in the proposals and may take place amongst multiple offerors simultaneously. The District will make efforts to ensure the negotiation process remains confidential and will not share proprietary information between the offerors.

Awarding DB Contracts. The Board will determine there was adequate competition in the proposal process prior to awarding a contract. After this determination, the Board may accept in writing the proposal it considers most advantageous to the District. The Board will then give written notice to those who submitted rejected proposals of its decision and will make available to the public the criteria scores for each proposal received. The PCD contract will terminate upon the award of the DB contract.

Awarding Emergency DB Contracts. The Board may award a DB contract without following the terms of this policy in accordance with state law in the event of an emergency.

Protests Relating to the Solicitation or Execution of DB Contracts. As it pertains to protests of Board action under this policy, the following definitions apply:

- Interested party shall mean an actual or prospective bidder whose direct economic interest would be affected by the award of a contract by the District to another party or by the failure of the District to award a contract to such actual or prospective bidder.
- Protest shall mean a written objection by an interested party on any phase of the bidding process, including specification, preparation, bid solicitation, and intent to award.

Right to Protest. An interested party may protest to the Superintendent. The protest shall be submitted in writing on company letterhead within five working days after public notice of the bid. Protests based on alleged apparent improprieties in a solicitation or other request for proposals must be filed before bid opening or the closing date for receipt of proposals. In all other cases, the protest must be filed within five working days following the selection of the design-builder. To expedite handling of protests, the envelope containing the protest should be clearly labeled "Protest". The written protest shall include as a minimum the following:

- The name and address of the interested party;
- Appropriate identification of the relevant solicitation, and if a bid has been opened, its number, and date of opening;

- A detailed statement of reasons for the protest;
- Supporting, exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated; and a list of all persons who have knowledge of facts relevant to the protest; and
- The action(s) the protestor desires the school district to take to resolve the protest.

The Superintendent will immediately decide upon receipt of the protest whether or not the award of a contract shall be delayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. The District will proceed with the solicitation or with the award of the contract, unless the Superintendent determines that the protest is clearly meritorious or that delaying award of the contract will not prejudice the interests of the District.

Resolving Protests. Prior to the commencement of an administrative review by the Board concerning any protest, the Superintendent shall attempt to resolve any protest filed by an interested party concerning any solicitation. If the protest is not resolved by mutual agreement, the Superintendent shall create and deliver a Decision to the protestor within a reasonable time after the written protest was received. If not satisfied with the decision of the Superintendent, any interested party protester may appeal to the Board, but the decision shall be final unless the interested party protestor files a timely appeal with the Board as allowed by District policy.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3004

General Purchasing and Procurement

Applicability of this policy. Purchases made with federal funds, whether those funds are derived directly from the federal government (e.g. award of a federal grant) or are derived by pass-through awards from the South Dakota Department of Education (e.g. special education funds, school lunch funds, Title I funds) are subject to the policy on Purchasing and Procurement with Federal Funds.

This policy applies to all other purchases made by the school district other than construction, remodeling, repair and site improvements.

General Purchasing Policy. The school district's budget will be the guide for all purchases. No employee of the district may make a purchase that is not provided for in the budget without board or administrative approval. The board intends to purchase competitively, whenever possible, without prejudice and to seek maximum educational value for every dollar expended. The acquisition of services, equipment and supplies will be centralized in the administration office under the supervision of the business manager who will be responsible for developing and administering the purchasing program of the school district. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

Building-Specific Purchasing. School buildings are operationally under the control of building principals. Principals have control and responsibility for the building and grounds, for all supplies and equipment housed at the building, for all school-related activities in the building, and for all pupils, teachers, and other employees assigned to the building.

The superintendent of schools or his designee is responsible for the requisitioning, managing, distributing, and utilizing of supplies for maintenance and transportation.

Purchasing Procedures. School personnel must secure the approval of an authorized administrator before making any purchases. Employees seeking reimbursement for a purchase made with their personal funds must:

- attach an itemized receipt or invoice to all requests for reimbursement;
- submit itemized receipts and any purchasing card or credit card receipts to the office of the superintendent no later than the 5th of every month. A non-itemized credit card receipt is not sufficient.

Employees making purchases with a school district credit card or purchasing program must comply with the steps set forth in the district's Credit Card Use Policy.

Purchase Orders Required. All purchases of goods and services made with district funds must be made on a properly executed purchase order or in accordance with other District policy. All purchases shall be initiated with a purchase order. Purchase orders are signed by either the superintendent or business manager.

Large Purchases. For purchases of more than the minimum threshold under state law, the District will utilize the formal bidding process described in Policy 3003.

Relations with Vendors. All vendors will report to the district office or a building principal before contacting any staff member. Vendors may only contact staff members with permission from a building principal. The school shall not extend favoritism to any vendors.

No district employee may:

- make a purchase which violates state law, federal law, or district policy; or
- endorse any product of any type or kind in such a manner as will identify him/her in any way as an employee of the school district.

Supporting Local Vendors. The board believes in patronizing local businesses. Consequently, when proposals are judged to be equal in terms of quality, price, and/or service, the contract or purchase will be awarded to the firm that is located within the district. However, the board will not sacrifice either quality or economy to patronize local businesses.

Milk Processors. The district will award milk purchasing contracts to state-licensed processors if the state-licensed bid is equal to or within five percent or less of any other bidder who is not state-licensed.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

3004.1

Fiscal Management for Purchasing and Procurement Using Federal Funds

I. Applicability of Policy

This policy applies only to non-construction related purchases undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

All other non-construction purchases will be governed by the Board's general purchasing policy, which can be found earlier in this subsection. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

This procurement policy shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. The district's goal is to fully implement all required procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210 and 220 USDA implementing regulations at 2 CFR Parts 400 and 415, and by the South Dakota Department of Education.

II. Procurement System

The District maintains the following purchasing procedures.

A. Responsibility for Purchasing

The authority to make purchases shall be governed by the District's purchasing policy, which can be found elsewhere in this section. Except as otherwise provided in the District's purchasing policy, the acquisition of services, equipment, and supplies shall be centralized in the administration office under the supervision of the superintendent of schools, who shall be responsible for developing and administering the purchasing program of the school district. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

B. Methods of Purchasing

The type of purchase procedures required depends on the cost of the item(s) being purchased.

1. Purchases up to $15,000 (Micro-Purchases)

Micro-purchase means an individual procurement transaction for supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed

$15,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing, which can be found earlier in this subsection.

2. Purchases between $15,000 and $450,000 (Simplified Acquisition)

Simplified acquisitions are purchases that, in the aggregate amount, is more than $15,000 and less than $350,000 annually. For simplified acquisitions, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts, which can be found earlier in this subsection.

3. Purchases Over $350,000

a) Sealed Bids (Formal Advertising)

For purchases over $350,000, the district will generally follow the bidding process outlined in the board's policy on Bidding for Construction, Remodeling, Repair or Site Improvement.

b) Contract/Price Analysis

The District performs a cost or price analysis in connection with every procurement action in excess of $350,000, including contract modifications. The District will make an independent estimate of costs prior to receiving bids or proposals.

4. Noncompetitive Proposals (Sole Sourcing)

a) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1) The procurement transaction can only be fulfilled by a single source;

2) The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

3) The federal awarding agency or pass-through entity expressly authorizes written approval of noncompetitive proposals in response to a written request from the District; or

4) After solicitation of a number of sources, competition is determined inadequate.

b) Noncompetitive proposals may only be solicited with the approval of the superintendent or the board. Sufficient and appropriate documentation that justifies the sole sourcing decision must be maintained by the superintendent or designee.

c) A cost or price analysis will be performed for noncompetitive proposals when the price exceeds $350,000.

5. Competitive Proposals

a) The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
   1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered;
   2) Proposals must be solicited from an adequate number of qualified sources; and
   3) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

b) The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms are a potential source to perform the proposed effort.

c) The District may select a proposal that offers the best value and that is based upon the proposer's responsiveness to the proposal, experience, reputation, staff qualifications, ability and capacity to carry on the work, price, honesty, integrity, skills, business judgment, financial stability, past performance, and other relevant factors. The evaluation may be conducted by the school board, a designated committee, or another designee of the school board.

C. Use of Purchase (Debit & Credit) Cards

District use of purchase cards is subject to the policy on purchase cards which can be found elsewhere in this subsection.

D. Federal Procurement System Standards

The district's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

The District will maintain and follow general procurement standards consistent with 2 C.F.R. §200.318.

E. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, public policy, compliance, proper classification of employees (see the Fabor Labor Standards Act, 29 U.S.C. 201, chapter 8), record of past performance, and financial and technical resources when conducting a procurement transaction.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over $25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

F. Settlements of Issues Arising Out of Procurements

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

III. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.

B. Purchases covered by this policy are subject to the following additional provisions.

1. Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.

2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

An employee, officer, agent, and board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except that this provision does not prohibit the receipt of unsolicited items of nominal value. For purposes of this policy, "nominal value" means a fair market value of $25 or less.

D. Enforcement

Disciplinary Actions including, but not limited to, counseling, oral reprimand, written reprimand, suspensions without pay, or termination of employment, will be applied for violations of such standards by officers, employees, or agents of the District.

IV. Property Management Systems

A. Property Classifications

1. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or $10,000.

2. Supplies means all tangible personal property other than those described in §200.1 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or $10,000, regardless of the length of its useful life. 2 C.F.R. §200.1.

3. Computing Devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.1.

4. Capital Assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and

b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.1.

B. Inventory Procedure

Newly purchased property shall be received and inspected by the staff member who ordered it to ensure that it matches the purchase order, invoice, or contract and that it is in acceptable condition.

Equipment, Computing Devices, and Capital Assets must be tagged with an identification number, manufacturer, model, name of individual who tagged the item, and date tagged).

C. Inventory Records

For equipment, computing devices, and capital assets purchased with federal funds, the following information is maintained in the property management system:

1. Serial number;
2. District identification number;
3. Manufacturer;
4. Model;
5. Date tagged and individual who tagged it;
6. Source of funding for the property;
7. Who holds title;
8. Acquisition date and cost of the property;
9. Percentage of federal participation in the project costs for the federal award under which the property was acquired;
10. Location, use and condition of the property; and
11. Any ultimate disposition data including the date of disposal and sale price of the property.

The inventory list shall be adjusted by the superintendent of schools or his/her designee for property that is sold, lost, stolen, cannot be repaired, or that cannot be located.

D. Physical Inventory

1. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

2. The Superintendent or his/her designee will ensure that the physical inventory is performed. The physical inventory will generally occur during the months of June or July, but may be conducted during other time periods with the approval of the superintendent.

E. Maintenance

In accordance with 2 C.F.R. 313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition.

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. The District will notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the property for any non-federal program use without prior approval of the federal awarding agency and the pass-through entity.

H. Disposal of Equipment

When it is determined that equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Superintendent or his/her designee will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

If the item has a current fair market value of $10,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency or pass-through entity.

I. Equipment Retention

When included in the terms and conditions of the Federal award, the Federal agency may permit the recipient to retain equipment, or authorize a pass-through entity to permit the recipient to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

J. Equipment and Capital Expenditures

All equipment and capital expenditures shall comply with the rules and requirements of 2 CFR 200.439.

K. Depreciation

All depreciation shall comply with the rules and requirements of 2 CFR 200.436.

V. Financial Management

A. Identification

The District will identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

B. Financial Reporting

The District will make an accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

C. Accounting Records

The District maintains records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Internal Controls

The Superintendent or his/her designee must maintain effective control and accountability for all funds, real and personal property, and other assets through board review and approval of claims, an annual audit of the district's finances pursuant to the applicable South Dakota Department of Education and federal rules and regulations, and comparison of expenditures and outlays to budgeted amounts. The District adequately safeguards all such property and assures that it is used solely for authorized purposes.

E. Budget Control

Actual expenditures or outlays will be compared with budgeted amounts for each federal award at least annually and more often as required by law or deemed prudent by the board or administrative staff.

F. Payment Methods

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the South Dakota Department of Education on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to $500 per year for administrative expenses. 2 CFR § 200.305(b)(12).

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the South Dakota Department of Education to review upon request.

G. Allowability of Costs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval.

When determining how the District will spend its grant funds, the Superintendent or his/her designee will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E. The Superintendent or his/her designee must consider these factors when making an allowability determination.

The Superintendent or his/her designee will consider Part 200's cost guidelines when federal grant funds are expended. The Superintendent or his/her designee will also consider

whether all state - and District-level requirements and policies regarding expenditures have been followed.

H. Use of Program Income – Deduction, Addition, or Cost Sharing or Matching

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(b). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(b)(1). The District may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(a. The District may also request prior approval from the federal awarding agency to use the cost sharing or matching method.

While the deduction method is the default method, the District always refers to the grant award notice prior to determining the appropriate use of program income.

I. Cost Sharing or Matching

For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

(1) Are verifiable from the non-Federal entity's records;
(2) Are not included as contributions for any other Federal award;
(3) Are necessary and reasonable for accomplishment of project or program objectives;
(4) Are allowable under subpart E (Cost Principles) of this part;
(5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
(6) Are provided for in the approved budget when required by the Federal awarding agency; and
(7) Conform to other provisions of this part, as applicable.

J. Documentation of Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

K. Travel Costs

All travel expenses paid with federal grant funds shall meet the federal requirements such as:

(1) All travel costs must be reasonable and necessary;
(2) All travel costs must be consistent with District policy; and

(3) All travel costs must be directly related to the grant award.

In addition, all travel expenses funded with federal grant funds must be preapproved by the District's Business Manager. The state per diem rates for lodging shall be used to determine that maximum amount charged to a federal grant. For reimbursement of meals, the per diem rate and rules set by the State of South Dakota through administrative rule 5:01:02:14 will apply. There will be no reimbursement for breakfast if the staff member's lodging provides continental breakfast at no cost. For reimbursement for mileage or fuel, the State of South Dakota mileage rate will apply. If a District-owned vehicle is available for travel, the District-owned vehicle must be utilized unless preapproved by the Business Manager. All expenditures claimed by staff must include receipts and a completed voucher.

VI. Written Compensation Policies

A. Time and Effort Standards

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required "match" in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants. Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both federally assisted and all other activities compensated by the District on an integrated basis;
- Comply with the established accounting policies and practices of the District and
- Support the distribution of the employee's salary or wages among specific activities or costs objectives.

B. Time and Effort Procedures

Time and effort procedures will follow and comply with 2 CFR 200.430(i).

C. Fringe Benefits

Except as provided otherwise by federal law, the costs of fringe benefits will be allowable provided that the benefits are reasonable and required by law, a district-employee agreement, or another policy of the District.

D. Leave

The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if they are provided under established written District leave policies.

E. Unexpected or Extraordinary Circumstances

In the event of a pandemic or other unexpected or extraordinary circumstance, the District may close school or individual buildings. In such case, the District may compensate federally funded or other employees during such closure to ensure the return of staff to employment after the closure as allowed by state or federal law.

F. Documentation for Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VII. Other Contract Matters

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.327 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

B. Contracting with Certain Vendors and Buy American

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are used when possible consistent with state law.

Buy American. The District participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A "domestic commodity or product" is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d).
The District may deviate from this general requirement only if:

- The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. 7 CFR 210.21(d)(5)(i).

C. Record Keeping

1. Record Retention

a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of

significant project experiences and results. 34 C.F.R. § 75.732(a). These records and accounts must be retained and made available for programmatic or financial audit.

b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). The South Dakota Local Schools Records Retention and Destruction Schedule as approved by the South Dakota Bureau of Administration requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

c) Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

2. Maintenance of Procurement Records

a) The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

b) Retention of procurement records shall be in accordance with applicable law and Board policy.

D. Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

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Reviewed:

3004.2

Reverse Auctions for Procuring Supplies

The District may conduct online reverse auctions to procure supplies or nonprofessional services.

Invitation to Qualify. Prior to the auction, the District will pre-qualify bidders by inviting them to qualify for the auction. The factors the District will use to determine if a bidder is qualified will be stated in the invitation, and the District will not use any other factors to qualify bidders. The District will advertise the invitation to qualify as it would advertise for public improvements.

After receiving responses from potential bidders, the District will notify each bidder whether it qualifies for the auction. The District will not disclose the identities of bidders until after the reverse auction.

The District must clarify, negotiate, and accept all specifications and terms and conditions before inviting vendors to the auction.

Auction Process. Bidders will enter bids on the internet, and the District will not accept bids by any other method. The online auction may not disclose to the bidders who has placed a particular bid but may only show the amount.

The District may suspend or terminate the auction for any reason. The District may establish an extension activation period, during which the district will extend the auction a certain number of minutes if a bid is received. This period must be at least ten minutes.

Technical Issues. If a bidder is unable to place bids during an auction for any reason, the District will suspend the auction until all bidders regain the ability to place bids via the internet auction site. The District may reschedule the auction if the problem cannot be resolved quickly. When the auction resumes, the time remaining will be the same as when the auction was suspended or ten minutes, whichever is greater.

After the Auction. The District may change specifications or terms and conditions after the auction only if the changes do not affect the reason a vendor was denied qualification. Once the auction is complete, the award will be made in accordance with district policy on public improvement contracts.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3005

Custodial Funds

The Board authorizes the establishment of a custodial fund account to be used to finance the operations of student organizations, inter-school athletics, and other school activities that are not a part of any other fund. All transactions related to the activities fund shall be conducted through an account at a board-approved depository.

Custodial Funds. All funds of student organizations will be treated as custodial funds by the District. The Business Manager will supervise and assist in the execution of all disbursements made under these funds, but such supervision will not extend to administrative control over how funds are spent. The District will not maintain separate bank accounts for each custodial fund.

Student Group Responsibility. The student organization will be responsible for generating money for their respective fund. No district generated funds will be held in any custodial fund.

Fund Expenditure Procedures. All expenditures of custodial funds will be for the benefit of students. Each fund will follow these procedures:

- Each fund must have a written statement as to its purpose and allowable expenditures of funds as chosen by the student representatives.
- A minimum of two student representatives must give written approval of every expenditure under a fund.
- Each fund will have a staff advisor, who will be the point of contact between the business office and the student representatives.
- The staff advisor will review and approve only to ensure funds are not spent illegally.
- After advisor approval, each expenditure under a custodial fund must be submitted to the business manager with an itemization.

Business Manager Procedures. The business manager will receipt and deposit all money received by the activity into the custodial bank account. The business manager will disburse funds by check or ACH only. Disbursement will not be made without sufficient money in the account.

Dormant Funds. Funds in an activity's account after the activity ceases to exist shall be transferred to the general fund or such other fund as the student organization may choose. Funds left in a graduating class's account may be transferred into any other school account at any time after graduation upon board approval.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed:_____

3006

Conflicts of Interest

No school official may have an interest in a contract nor receive a direct benefit from a contract in amount greater than five thousand dollars or multiple contracts in an amount greater than five thousand dollars with the same party within a twelve-month period to which school district is a party except as provided in this policy.

No school official may have an interest in the sale, proceeds, or profits of any book, apparatus, or furniture to be used in the district.

No teacher may serve as a board member.

Definitions

A school official is any board member, employee, or authorized agent of the school district.

A school official has interest in a contract when the person, his or her spouse, or anyone the person lives with and shares assets:

- is employed by a party to any contract with the school district
- receives more than nominal compensation or reimbursement for actual expenses for serving on the board of directors of an entity deriving income or commission directly from the contract or acquires property under the contract.

A school official receives a direct benefit from a contract when the person, his or her spouse, or anyone the person lives with and shares assets:

- is a party to or intended beneficiary of any contract held by the district;
- has more than a five percent ownership interest in an entity party to any contract held by the district;
- acquires property under the contract; or
- will receive compensation, commission, promotion, or other monetary benefit directly attributable to any contract with the district.

Exceptions

A school official does not derive a direct benefit from or have interest in a contract:

- based solely on the value associated with the person's publicly-traded investments or holdings, or the investments or holdings of any other person with whom the school official lives or commingles assets;
- by participating in a vote or a decision in which the person's only interest arises from an act of general application;

- based on the person receiving income as an employee or independent contractor of a party with whom the local service agency, school district, or cooperative education service unit has a contract, unless the person receives compensation or a promotion directly attributable to the contract, or unless the person is employed by the party as a board member, executive officer, or other person working for the party in an area related to the contract;
- if the contract is for the sale of goods or services, or for maintenance or repair services, in the regular course of business at a price at or below a price offered to all customers;
- if the contract is subject to a public bidding process;
- if the contract is with the official depository as set forth in South Dakota law;
- based solely on the person receiving nominal income or compensation, a per diem authorized by law or reimbursement for actual expenses incurred;
- if the contract or multiple contracts with the same party within a twelve-month period with whom the local service agency, school district, or cooperative education service unit contracts in an amount less than five thousand dollars.

Authorization by Board

The district may authorize a school official to derive a direct benefit from a contract if it finds the terms of the contract are fair, reasonable, and not contrary to public interest, and the school official has provided full written disclosure to the district of:

- the person's role in the contract;
- the purpose or objective of the contract;
- the consideration or benefit conferred or agreed to be conferred upon each party; and
- the duration of the contract.

Any request for authorization under this policy and subsequent Board action regarding the request are public records and must be recorded in the minutes of the board meeting. Reauthorization of contracts extending into multiple fiscal years is not required.

No board member may vote upon or participate in a decision whether to authorize a contract in which the member derives a direct benefit.

Disclosure of Interests

A school official who has an interest in a contract under this policy for less than $5,000 shall still disclose the existence of a contract but board authorization is not required for the person to have an interest in the contract.

Disclosure of the interest shall be recorded in the meeting minutes. Disclosure shall also be made at the annual meeting if the contract extends into consecutive fiscal years.

A school official must make this disclosure before entering into the contract or within 45

days after entering into the contract.

Conflict disclosures must be submitted to the board president, superintendent, or business manager prior to the next scheduled meeting to be added to the agenda.

Consequences for Violations of Policy

Pursuant to South Dakota law, any contract made which violates this policy is voidable by the school board, and any benefit a school official gains from such a contract is subject to forfeiture. Further, the violation of this policy may result in adverse employment action

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed: _____

3008

Gifts, Grants and Bequests

The school district encourages those who wish to make gifts, grants, bequests or devises of property, real or personal, to the school district. The superintendent or business manager or his or her designee is authorized to accept on behalf of the school district gifts of personal property that are consistent with the district's mission and objectives and which the superintendent reasonably believes has a fair market value of $25,000 or less. In its sole discretion, the board of education may accept all other donations when they are consistent with the district's mission and objectives. Upon acceptance, donations shall become the sole property of the district. The donation will be under the complete control of the board or school district which will not have any obligation to replace it if it is destroyed or becomes obsolete.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3009

Audit

The board of education shall cause an audit of all school accounts to be undertaken annually or as otherwise required by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3010

Insurance

The board or education shall purchase such insurance as it deems appropriate to protect the district, the board as a corporate body, individual board members, appointed officers, employees, and volunteers from financial loss arising from any claim, demand, suit or judgment. The district may, but is not required to, solicit bids or quotes for insurance coverage.

The board shall review its insurance coverage before its expiration date, or as need dictates.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3011

Transportation

The school district will provide transportation to eligible students of the district consistent with state law. Eligible students of the district include:

- Students who live within the district;

- Students who require transportation in order to receive a free, appropriate public education as required by state and federal law.

When a student who has been attending the district is placed into foster care, school district staff will collaborate with state and local child welfare agencies to determine whether transportation is required under state law when it is in the child's best interest that their school of origin be maintained. The district will only provide transportation to students placed in foster care when the responsible child welfare agency agrees to reimburse the school district for the cost of transportation or when transportation is otherwise required by law. The board designates the Superintendent of Schools as the initial point of contact for child welfare agency representatives to discuss transportation issues related to children in foster care.

Students who are homeless will be provided with transportation pursuant to board policy.

The use of buses for field trips and similar purposes shall require the prior approval of the superintendent or appropriate principal.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY
PANTHERS

3012

School Meal Program and Meal Charges

Meal Program. The school district will make a school meal program available to students. The cost of the program will be determined by the board of education so as to make the program as nearly self-supporting as possible. With board approval, the district may contract with a private company or corporation for the management and/or provision of the program.

The district will notify the families with children attending school of the current guidelines for free or reduced-price school meals. Families may apply for free or reduced-price school meals any time during the school year by submitting an application to the school district. A copy of the complete regulations and procedures regarding reduced-price and free meals shall be available in the office of the superintendent.

Meal Charge Policy. The district will notify students and their families of the policy for *Charged Meals*, meaning meals received by a student when the student does not have money in hand or in his or her food account. This policy applies to students who receive meals at the free, reduced, or full rates.

Notice of this policy must be provided in writing to all households at the start of each school year and to households that transfer to the school during the school year. Notice may be provided through the student handbook, student registration materials, online portal used to access student accounts, direct mailing or e-mail, newsletter, the district website, and/or any other appropriate means. Notice of this policy will also be provided all school staff responsible for the enforcement of it, including food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and other staff involved in enforcing any aspect of this policy.

The district's policy on charged meals is:
The district will not allow any student to charge/purchase "ala carte" or extra items if their account has a negative balance. Students who qualify for free meals will not be denied a reimbursable meal, even if they have accrued a negative balance from other food purchases.

If a student repeatedly lacks funds to purchase a meal, has not brought a meal from home, and is not enrolled in a free meal program, the district will use its resources and contacts to protect the health and safety of the student. Failure or refusal of parents or guardians to provide meals for students may require mandatory reporting to child protection agencies as required by law.

Collection of Delinquent Meal Charge Debt

The school district is required to make reasonable efforts to collect unpaid meal charges. The building principal or his or her designee will contact households about

unpaid meal charges and notify them again of the availability of the free and reduced meal program and/or establish payment plans and due dates by telephone, e-mail, or other written or oral communication. If these collection efforts are unsuccessful, the school district may pursue any other methods to collect delinquent debt as allowed by law.

Collection efforts may continue into a new school year.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed: _____

3013

Emergency Closings

School shall be held on the dates set forth on the official calendar and shall not be closed or dismissed except when the superintendent or his or her designee determines that it is impossible or impracticable to hold school. When school is closed there will be no school-sponsored activities held without the permission of the superintendent or building administrator.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3014

Use of School Property

Use of Specific Facilities by Application and Agreement

The district does not permit non-commercial use of its facilities by individual patrons without prior permission from the District and in compliance with this policy.

General Facilities Use Guidelines

- School facilities may be used by various education and community organizations and individuals when it is in the interest of the general public.

- School facilities may not be used for personal profit and other commercial purposes. The district opens its facilities to district patrons for the benefit of the public, not commercial uses. Due to the complications created by groups or individuals using district facilities for commercial purposes, these uses are prohibited. Booster clubs and other organizations raising money purely for the support of student groups, as defined below, and not for personal profit are not considered commercial uses but must comply with the district's policies which apply to these groups.

- Any person or group using school facilities must assure that it will be responsible for maintaining order, protecting property, and providing security and safety.

- Only those organizations and persons who are known to school officials, who have financial resources sufficient to cover all rentals and possible damages, and who are willing to discharge such obligations shall be permitted to use the school facilities and equipment.

- The rental fees for school facilities shall be set by the board.

- Non-curricular student groups or non-student groups (as those terms are defined below) that wish to use the facility must submit a facility use application which may be obtained from the administration. The application must be received by the superintendent or his/her designee prior to the approval of any facility use.
- District facilities may not be used by students when school is not in session, unless supervised by a district staff member or a responsible adult upon approval of the superintendent or his/her designee. Use of the shop and weight room in violation of this provision may lead to the students being denied access to these facilities or other consequences permitted by board policy and South Dakota law.

- Any person or group using the school facilities, for any purpose, must comply with all of the district's policies, rules, and regulations.

Definitions

- "Curriculum-related student groups" shall mean students participating in school-sponsored activities, supervised by district staff, related to the curriculum, and recognized by the board.

- "Extracurricular student groups" shall mean students participating in an extracurricular activity, sponsored by the district, supervised by district staff, and recognized by the board, such as athletic teams and academic teams which are not otherwise categorized as "curriculum-related student groups."

- "Non-curriculum related student groups" shall mean all other groups comprised primarily of students who attend the district participating in activities such as Boy Scouts, Girl Scouts, 4-H, political groups, religious groups, and other similar youth groups.

- "Non-student group" shall mean all other groups or individuals who apply to use district facilities.

- "Superintendent" shall mean the superintendent of schools or his/her designee.

Use of School Property by Student Groups

Curriculum-related and Extracurricular student groups:

- Curriculum-related and Extracurricular student groups may use school facilities at no cost to the group, if they restore the facilities to their prior state after using them.
- The district shall bear any costs associated with use by these groups (e.g., the fee paid to a cook or a custodian required to be in attendance).
- Curriculum-related and Extracurricular student groups have priority over non-curriculum related student groups and non-student groups.

Non-curriculum related student groups:

- Non-curriculum related student groups may use the school building during non-instructional time. Such use shall be without charge.
- Such uses shall occur while the building is normally open and there is a minimum of interference with custodians or other student and staff facility use.
- These groups may use the school buildings in the evening for meetings if the group is sponsored by an adult and the adult (1) files the application to use the facilities on behalf of the group and (2) assumes responsibility for cleanup and placing the area back in the condition it was in prior to use.
- Non-curriculum related student groups must apply for use of the facilities and secure the superintendent's permission before using school facilities.
- Non-curriculum related student groups may meet only on school premises at times and places determined by the superintendent.

- Non-curriculum related student groups must meet each of the following conditions to secure the superintendent's permission to use school facilities:
    - The facility use will occur during non-instructional time.
    - The district has facilities available to accommodate the group.
    - The use is voluntary and for the general benefit of the student participants.
    - The use will not substantially interfere with the orderly conduct of educational activities and other programs within the school.

Use of Facilities by Non-Student Groups

- The superintendent may authorize the use of any school facilities for non-school activities by non-student groups.
- In addition to the guidelines listed elsewhere in this policy and other board policies or administrative protocol, the superintendent will consider the following when making determinations regarding use of district facilities by non-student groups:
    - The local education association may hold meetings when classes are not in session and staff members are not on duty.
    - Non-student groups which provide education-related programming and services for students and staff may be given priority of use over other outside groups. The superintendent has sole discretion in determining whether proposed uses relate sufficiently to the district's educational standards and programs.
    - Non-student groups which provide programming and services for community members and others living within the district may be given priority of use over other outside groups.

Denial of Access

- The superintendent may limit or deny access to school buildings, grounds, and activities to any person whom the superintendent deems to be using the facilities inappropriately and contrary to the district's mission.
- Upon determining that a person or group has engaged in or is engaging in conduct that constitutes grounds for exclusion under this policy, the superintendent shall take such action as he or she determines appropriate, including directing the person to cease engaging in the conduct or to leave the school premises or activity immediately. The superintendent may request assistance from law enforcement authorities to remove an offending person from the school grounds. A person who enters school premises in violation of these conditions shall be deemed to be trespassing.
- The superintendent shall have the authority to fix the time when, and the

conditions under which, the offending person may return to school premises.

Proof of Insurance and Indemnification

- When any non-curriculum related or non-student group utilizes school district facilities, the group submitting the facility use application may be asked to provide proof of insurance up to the current tort claims limits applicable to the district.
- The district may require the non-curriculum related or non-student group to include the district as an additional insured on any such policies and may refuse access to its facilities until proof of satisfaction of this requirement is submitted to the superintendent.

- Any non-curriculum related or non-student group utilizes school district facilities, the District may require the group to indemnify and hold harmless the District from any damages that occur as a result of the group's activities.

Cancellations. Request for cancellation of the use of school facilities must be received at least 24 hours in advance of the meeting time. Failure to do so shall obligate the applicant and his organization to pay all custodial and such other expenses as are incurred in opening the building for his/her use. Cancellations due to inclement weather will not be penalized.

Adopted: July 11, 2022

Revised:_____

Reviewed: _____

3016

Use of Tobacco Products

The use or possession of any tobacco product, including cigarettes, cigars, or other tobacco or tobacco derivative products; vapor products or electronic nicotine delivery systems; alternative nicotine products; or any other such look-alike or imitation product, is not permitted on school property at any time.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3017

Official Communication with the Public

Only individuals who have prior administrative approval may issue press releases or other official communication regarding school-related activities and events in furtherance of the individual's official responsibilities. The superintendent may delegate responsibility for communicating with the media to building principals, the activities director, event sponsors, and other staff on an ad hoc basis.

Adopted: July 11, 2022
Revised June 10, 2024
Reviewed: _____

3018

Denying Access to School Premises or Activities

The school district shall provide access to the district's buildings, grounds and activities to students, parents or guardians of students, and other persons who have official business with the district or to attend an activity or function authorized thereby. The superintendent of schools or his or her designee (referred to herein as the "administrator") may limit or deny access to school buildings, grounds, and activities to any person who:

- Disrupts the educational environment or any other school program or activity
- Repeatedly fails or refuses to comply with the visitor protocol adopted by each building or the lawful orders or directions of an official of the school district in the performance of his/her duties;
- Is unreasonably boisterous;
- Engages in violence, force, coercion, threats, intimidation, or similar conduct;
- Causes or attempts to cause damage to school property or to the property of any student or school employee;
- Causes or attempts to cause personal injury to any student, school employee or other person on school grounds or at a school activity on or off school grounds;
- Uses vulgar, profane, or demeaning language;
- Uses fighting words; or
- Poses a danger to the safety and well-being of students, staff, or other individuals
- Is in violation of any federal or state statute, local ordinance, or Board policy;
- Distributes or posts any written materials, pamphlets, posters, etc. without the prior written approval of the Superintendent.

Upon determining that a person has engaged in or is engaging in conduct that constitutes grounds for exclusion under this policy, the administrator shall take such action as he or she determines appropriate, including directing the person to cease engaging in the conduct or to leave the school premises or activity immediately. The administrator may request assistance from law enforcement authorities to remove an offending person from the school grounds.

The administrator shall have the authority to fix the time when, and the conditions under which, the offending person may return to school premises. A person who enters school premises in violation of these conditions shall be deemed to be trespassing. The administrator may summon law enforcement authorities to remove the person and request that criminal proceedings be initiated.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed: _____

3019

Sale or Disposal of School Property

In selling school property, whether real or personal, the board of education shall be mindful of its financial obligation to the taxpayers of the school district.

If the board determines that property shall be sold, the board will conduct an appraisal prior to placing the property for sale. The appraisal may be accomplished by three property owners in the District or by a licensed appraiser. Appraisal is not required if:

- The property is to be transferred to a political subdivision such as a municipality, county, sanitary district, improvement district, or irrigation district;
- The property is to be traded for other property;
- The property was created as a result of the District's educational program;
- The property is valued at 2,500 or less.

If appraisal is not required due to an exception above, the District can dispose of the property however it finds appropriate. If no exception applies, the District will solicit bids as described in this policy.

Advertising

The District will publish notice of the sale twice in its designated newspaper. The first notice must be at least ten days out from the opening of the bids. The notice must describe

- the property to be sold;
- when the bids will be opened;
- and whether the bids will be opened in a regular board meeting or in front of a designated official prior to a regular board meeting.

Bid Opening.

Bids must be sealed and filed with the Business Manager. The District may reject all bids if it so chooses, but it must select the highest bid if any bid is to be chosen. If no bids are received, the District may have the surplus property reappraised or may sell the property at private sale for not less than ninety percent of the appraised value without further publication or appraisal. This sale must take place within twelve months of the date of the bid opening.

If the property to be sold was created as a result of the District's educational program, the District may accept the highest bid, or it may reject all bids and may sell the property at private sale without further publication.

Public Auction

The District can choose to sell property at public auction in lieu of sealed bids. The District must advertise the auction as it would for a bid opening. Board members or district administrators may only purchase the property if the public auction option is used.

Sale Proceeds

Sale proceeds can be deposited into the District's general fund, the capital outlay, or any other fund where the property was previously inventoried.

Adopted: July 11, 2022
Revised: June 10, 2024
Reviewed: _____

3020

Copyright Compliance

Restrictions on Use and Permission. Copyrighted works such as print, audio, video, software, applications, and other documents or media ("works") may be reproduced or used for educational purposes only when the use of the reproduction is a fair use in compliance with state and federal copyright law or when the written permission or license for such use has been obtained from the copyright holder. A staff member who wishes to use any non-original work must obtain the prior written permission of the building principal. Unless the district has obtained a license for use of a work for its intended educational purpose, no principal shall grant permission for a requested use of a copyrighted work unless the principal has reasonable grounds to believe that it is a fair use under applicable copyright law. Only works requested to be used in the course and scope of employment with the district will be permitted.

Distribution of Copyright Compliance Materials. The district will make information available to staff and students which describes and promotes compliance with copyright laws.

Course Materials Subject to Copyright Protection. The purpose of this provision is to provide notice to all staff, students, and parents that course materials may be subject to copyright protection. No class materials may be used or copied for use outside of the class session or sessions in which the materials are used for educational purposes unless authorized or required by law. No student or staff member may take audio or video recording of any class in which copyrighted materials are used unless authorized or required by law or an applicable educational plan provided under state and federal disability laws. Any such recordings will be kept only as long as required to fulfill the purpose of the recording, such as for evaluative purposes, or the applicable retention period required by law.

Copies for Individuals with Disabilities. This policy does not restrict district staff members from reproducing or distributing copies of copyrighted works in a specialized format for use by individuals with disabilities to gain access to the work.

Removal of Unauthorized Copyrighted Works. Upon obtaining knowledge or awareness of an unauthorized use of copyrighted works, the district will take reasonable steps to remove, deny access to, and stop use of any unauthorized copyrighted work stored in the district's paper or digital files or programs. This includes but is not limited to administrators accessing staff files and equipment for the purpose of physically removing curricular materials or directing staff members to cease using the materials immediately when there has been no license granted or fair use determination made. The superintendent or superintendent's designee may limit or deny access to district materials and programs to students or staff members who engage in violations of this policy or copyright law. The district may require the student or staff member to obtain training on copyright protections and limitations in order to regain access to any such materials or programs.

Violations by Students and Staff. Any staff member who violates this policy will face disciplinary action up to and including the cancellation, nonrenewal, or termination of the employee's employment. Any student who violates this policy may face disciplinary action up to and including expulsion. Individuals who subject the school district to financial penalty for copyright violations may be required to reimburse the district for its costs for such violation.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3022

Volunteers

Volunteers provide valuable assistance to school district staff and enrich the education program. Community members are encouraged to volunteer their services to the district under the conditions set forth below.

- Volunteers must provide the district with directory information including their name, address, driver's license, and telephone number.

- Upon request by the district, volunteers must promptly complete a Volunteer Information and Confidentiality form.

- The district may, but is not required to, conduct a criminal background check on any volunteer. A potential volunteer who refuses to undergo a background check will not be permitted to volunteer for the district.

- Volunteers shall not perform duties for which they are unqualified.

- Volunteers do not have any property right in or to a volunteer assignment. The school district may deny or terminate a volunteer assignment for any reason that is not unconstitutional or unlawful. The superintendent's decision shall be final.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3023

Record Management and Retention

The school district will comply with all state and federal record retention requirements. These requirements apply to both physical and digital records. The district will refer to the South Dakota Local Schools Records Retention and Destruction Schedule Manual promulgated by the Bureau of Administration Records Management Program in determining the proper treatment, retention, or destruction of records.

Special Rules Related to Electronic Forms of Communication. Electronically stored information such as e-mail, instant messaging, and other electronic communication are important to the district's overall operation. E- mail and other forms of electronic communication which are subject to retention under state or federal law may be moved to a storage method other than their original format. Each individual who creates or receives electronic communications that belong to or pertains to the operation of the district is responsible for determining whether and in what format those records must be maintained. Duplicate records may be destroyed at any time prior to the approved retention period. Staff members who are uncertain about whether a record should be retained should consult with their supervising administrator.

Due to the nature and volume of forms of electronic communication related to the operation of the district, data stored on Google Drive, OneDrive for Business, or District network storage, will be retained with metadata intact for at least 30 days. After this time, the electronically stored information with metadata intact shall be subject to overwriting or deletion from the district's electronic files and records, except as otherwise required by these polices or state and federal law.

Student Records. The retention of student records is also governed by the board's policy on student records.

Records Regarding Pending or Threatened Litigation. When litigation against the district or its employees is filed or threatened, the district will take all reasonable action to preserve all documents and records that pertain to the issue. When the district is made aware of pending or threatened litigation, a litigation hold directive will be issued by the superintendent or his/her designee. The directive will be given to all persons suspected of having records that may pertain to the potential issues in the litigation. The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3024

Booster Clubs and Parent-Teacher Organizations

Parent-teacher organizations and booster clubs (collectively, "Supporting Entities") promote goodwill throughout the community and strengthen educational programs via parental and community involvement in the district. However, the district's involvement with Supporting Entities may result in negative legal and political consequences.

Supporting Entities are separate entities from the district and board. Therefore, district employees may only participate in a Supporting Entity's activities as a member, officer, or director of the Supporting Entity. District employees may not participate in Supporting Entities in their capacity as a district employee. Further, in-school announcements for Supporting Entity sponsored functions must provide a clear indication that the function is sponsored by the Supporting Entity.

Notwithstanding anything herein to the contrary, an administrator employed by the district may attend the meetings of the Supporting Entity. An administrator who attends Supporting Entity meetings must strongly ***recommend*** that the Supporting Entity adopt the following policies:

(1) The Supporting Entity should legally establish itself as a Nonprofit Organization.

(2) The Supporting Entity should require that

i. all checks written out of the Supporting Entity's checking account contain two signatures;

ii. sales slips, receipts, or invoices for every expenditure be provided to the Supporting Entity's treasurer and kept in the Supporting Entity's records; and

iii. bank statements be reviewed and approved by the Supporting Entity treasurer and reconciled by a Supporting Entity officer that does not have check-signing authority.

Supporting Entities may only use the district's facilities for meetings or public activities, and may only use the district's names, logos, or mascots, upon prior approval of a district administrator.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3025

Returned and Outstanding Checks

Returned Checks. Any individual or entity that writes a check to the school district which is returned due to insufficient funds must reimburse the school district in cash for the amount of the check plus a $30.00 returned check charge. Individuals or entities whose checks are repeatedly returned due to insufficient funds may be prohibited from paying amounts due to the school district via check.

Outstanding Checks. The business manager will review outstanding checks issued from the school district's accounts. Outstanding checks are those which have not been deposited by the payee within 180 days of issuance. The board authorizes the business manager to resolve all matters related to outstanding checks, including stopping payment and reissuing checks.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3026

Handbooks

The school district's handbooks for students and staff are intended to convey information and explain school regulations and procedures that are necessary for the school to run smoothly and efficiently. The district's handbooks are an extension of these policies and have the force and effect of board policy when approved by the board of education. Although the board of education may take action to approve the handbooks annually, the administration has the authority to change the contents of any handbook so long as the changes are consistent with board policy.

The administration may provide only the amendment to the individuals affected by the change without providing them with the full handbook unless required by law.

None of the district's handbooks creates a "contract" between the school district, staff members, parents or students.

If any information contained in any handbook conflicts with board policy or state statute, the policy or statute will govern.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

3027

Resolution of Conflicts Between Parents Over School Issues

It is in students' best educational interests to have parents work cooperatively with each other and with school personnel regarding their children's education. In certain circumstances, parents disagree with each other regarding their children's education or other issues involved with the school district. Though such disagreements typically occur with separated or divorced parents, this regulation is not limited to those circumstances.

Obtaining Records and Conferring with Teachers

All parents can obtain their children's records and meet with their children's teachers regardless of custody or visitation rights unless a court enters an order otherwise or their parental rights have been terminated. The district will not schedule separate parent-teacher conferences absent extraordinary circumstances.

Accessing a Child at School/Picking Up a Child

School personnel will neither interpret nor enforce court orders governing the relations between separated or divorced parents unless the court order terminates the parental rights of a parent, limits a parent to supervised visitation with minor children or otherwise specifically limits the parent's access to the child at school. In all other circumstances, parents may contact their child while at school or pick a child up from school at any time. School staff are not responsible for enforcing visitation schedules contained in any court order to which the school district is not a party.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3028

Sex Offenders

The safety of the students attending school is very important to the board of education. School employees, parents, and students should be aware of dangers posed by sex offenders living within the school district and should be vigilant in providing protection against these dangers.

The board does not generally permit registered sex offenders on school grounds, at any school sponsored activity, or on any property under the control of the school district. The superintendent or his/her designee is hereby empowered to notify sex offenders of this policy and to grant limited permission to attend certain activities on a case-by-case basis.

Students who are registered sex offenders shall not be precluded from receiving a free education from the school district on that basis. The school district will consider a student's status as a registered sex offender in determining the student's educational placement and program.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3029

Distribution of Flyers Advertising Non-School Organization Activities

As students can derive social and educational benefits from activities sponsored by non-school organizations, groups or individuals, the district may distribute flyers advertising activities of non-school organizations that meet the requirements set forth below:

- The flyer may not contain statements that are obscene, lewd, vulgar, profane; violate federal, state or local laws or regulations; violate board policy; advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students, such as tobacco, alcohol or illegal drugs; incite violence; advocate use of force or urge violation of federal, state or municipal law, district policy or regulations; interfere with or advocate interference with the rights of any individual or the orderly operation of the schools and their programs.

- The non-school organization must contact the district office to (a) inform the district that it wishes to have flyers distributed to students and (b) obtain a date from the office on which the flyers will be delivered. All flyers must be pre- approved by the superintendent or his/her designee.

- The non-school organization must provide a sufficient number of copies of the flyer and must deliver them to the district at least three days before the date the flyers are to be distributed.

- The flyer may not advertise any activity which will take place during instructional time or during school-sponsored activities.

- The flyer must include a statement explaining that the organization is not affiliated with or endorsed by the district.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY PANTHERS

3030

Automatic External Defibrillators (AED)

An automatic external defibrillator (AED) is a portable device used to induce electrical stimulation to the heart muscle in the event of a potential cardiac arrest. The school district has a limited number of AEDs in its facilities. The location of the AEDs will be determined by the Activities Director in collaboration with district nursing staff. The presence of AEDs in certain locations in selected district buildings does not imply that AEDs will generally be available in all locations or in all district buildings. Likewise, the district does not make any promise, express or implied, that a trained staff member will be available to operate the AED in the event of a potential cardiac arrest.

Volunteer Responders

Anyone may, at their discretion, provide voluntary assistance to victims of medical emergencies. The extent to which these individuals respond shall be appropriate to their training and experience, and may include CPR, AED or medical first aid.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3032

Copying Fees for School District Records

Requests for copies of school district records shall be subject to applicable copying fees. No fee shall be charged for providing a copy of a student or public record if a specific law or regulation requires the copy to be provided without charge.

Student Records. Students and their parents or guardians shall not be charged any fee to inspect and review the student's files or records. Students and their parents or guardians who desire a copy of the student's files or records shall pay the reasonable cost of reproduction. Copy rates are set at the annual Board meeting in July. Other fees are as follows:

- Other medium: Actual cost of reproduction.
- Postage fees: Actual cost

School District residents **shall not be charged any fee**:

- To search for or retrieve any student's files or records.
- For a copy of a student's Individualized Education Plan (IEP).
- For copy of the special education evaluation report and the documentation of determination of eligibility for special education services upon completion of the administration of assessments and other evaluation measures.
- If the fee effectively prevents the parents from exercising their right to inspect and review student records.

Student Records – Transfer School. A copy of the student's files or records, including academic material and any disciplinary material relating to any suspension or expulsion shall be provided at no charge, upon request, to any public or private school to which the student transfers.

Public Records. Individuals requesting copies of public records must pay $0.40 per page for paper copies of public records. For the electronic production of documents, actual added costs may include; the actual cost of supplies (such as paper and toner) and a reasonably apportioned cost of any equipment specifically required to fulfill the request, and any additional payment obligation for the time employees necessarily incurred to comply with the copy request. The actual added cost shall not include any charge for the existing salary or pay obligation for public officer or employees for the first hour searching, identifying, physically redacting, or copying records.

- $10 for each fifteen-minute period (or fraction thereof, aggregated across all staff working on the request and rounded up at the end) that classified staff spend searching for, retrieving, reviewing, redacting, or compiling requested documents beyond the first hour.
- $20 for each fifteen-minute period (or fraction thereof, aggregated across all staff working on the request and rounded up at the end) that professional or certified staff spend on the same activities beyond the first hour.

The fee schedule for public records copies is set at the annual Board meeting in July. Other fees are as follows:

- Other medium: Actual cost of reproduction.
- Postage fees: Actual cost

Estimates. The school district shall provide a requestor an estimate of cost when a request is reasonably likely to involve a fee in excess of fifty dollars. The requestor must then confirm in writing his or her acceptance of the cost estimate and agreement to pay.

Waiver. Documents may be furnished without charge or at a reduced charge where the district determines that waiver or reduction is in the public interest.

Adopted: July 11, 2022
Revised: August 10, 2026
Reviewed: _____

3033

Lending Textbooks to Eligible Children

The school district shall make textbooks available to all children age five through nineteen who reside within the district, are enrolled in a public or nonpublic school within the district, or are engaged in a course of instruction pursuant to state law within the district. Textbooks are any instructional materials approved by the board that constitute the principal source of teaching and learning for a given course of study including print and digital materials, but not including computer hardware.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3034

Capitalization and Inventories

The board directs the business manager or their designee to account for capital expenditures and maintain inventory records as follows:

Capitalization of an item shall occur when the item is recorded as a fixed asset on the balance sheet rather than a consumable expense. Capitalization thresholds for capital assets and leases are:

Capital Asset and Lease Type	Capitalization Threshold
Land	All
Improvements	$15,000.00
Building	$50,000.00
Machinery and Equipment	$5,000.00
Food Service Machinery and Equipment	$1,000.00
Lease	$50,000.00

Leases

The District follows GASB Statement No. 87 by recording the right-to-use lease assets and the corresponding lease liability for all leases with terms greater than 12 months. A lease, as defined in this policy, is a contract that gives the District control of the right to use another entity's nonfinancial asset, such as buildings, land, vehicles, or equipment, in an exchange. The District will measure the lease liability at the present value of future lease payments beginning on the lease commencement date, using the interest rate implicit in the lease or, if not readily determinable, the District's incremental borrowing rate, and will measure the initial lease asset at the liability amount adjusted for prepayments, lease incentives, and certain direct costs, then amortize the asset over the shorter of the lease term or the useful life of the underlying asset. Leases determined to be immaterial to the District's financial statements, even if the term is greater than 12 months, will not be recorded. The District will use professional judgment and the level of materiality of the lease to assess recognition of the lease agreement. The District expenses short-term leases of 12 months or less as incurred. The Business Manager will maintain an inventory of all lease agreements and ensure proper reporting in the District's financial statements.

Subscription-Based Information Technology Arrangements

The District follows GASB Statement No. 96 for all subscription-based information technology arrangements (SBITAs). An SBITA is a contract that gives the District control of the right to use another entity's IT software for a specified period in an exchange transaction.

The District will record a subscription asset and subscription liability for all SBITAs with terms greater than 12 months and a value exceeding the District's capitalization threshold. The subscription liability is measured at the present value of required subscription payments, and the subscription asset is measured based on that liability adjusted for upfront payments, incentives, and allowable implementation costs. The subscription asset will be amortized over the subscription term.

Short-term SBITAs (12 months or less) and arrangements determined to be immaterial will be expensed as incurred. The Business Manager will maintain an inventory of all SBITAs and ensure proper reporting in the District's financial statements.

Inventories

The business manager or their designee shall require designated school employees to inventory any school district property in their custody with a useful life of greater than one year and purchase cost in excess of $1,000.

Each designated employee will create two copies of his or her inventory. The employee must submit one copy to the business office by June 30 annually and must retain the other copy in his or her records.

Adopted: August 14, 2023
Revised: July 13, 2026
Reviewed: _____

3035

Chain of Command

The superintendent shall be in control of all school district operations except as provided by another policy or as otherwise provided by law. The following is the administrative chain of command working from the lowest level on the chain upward.

Student Discipline:	1. Classroom Teacher 2. Principal/Ass't Principal/Dean of Students 3. Superintendent
Instruction or Curriculum:	1. Teacher 2. Principal/Curriculum Director/Director of Special Services 3. Superintendent
Transportation:	1. Bus Driver 2. Transportation Director 3. Principal/Assistant Principal 4. Superintendent
Facilities, Grounds, or Maintenance:	1. Custodial staff 2. Director of Facilities 3. Building Administrator 4. Superintendent
Policy or Handbook:	1. Building Administrator/Director of Special Services 2. Superintendent
Athletics:	1. Coach 2. Activities Director 3. Superintendent
Personnel:	1. Employee in question 2. Principal or Supervisor 3. Superintendent
All Other Matters	1. Building Administrator/Director of Special Services 2. Superintendent

Absent extraordinary circumstances, each matter must be addressed at whatever level the initial action occurred. If the matter is not resolved, the individual may raise it with the next person on the chain of command. This policy does not supersede any individual's right to contact Board members directly. However, whenever a matter is brought directly to the Board as a whole or to a Board member as an individual, it will

be referred to the appropriate individual in the chain of command for study and resolution. The most effective means of initial communication is a personal conference, e- mail, or telephone conversation. E-mail addresses and phone numbers can be found on the school district's website.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3036

Purchasing (Credit Card) Program

The board approves the use of a purchasing card (credit card) program for the purchase of goods and services for and on behalf of the school district. The board shall determine the type of purchasing card or cards to be used in the program and shall contract with a third-party provider as provided by law.

Authorized Purchases. Authorized users have standing authority to use the purchasing card to charge actual, necessary, and reasonable travel expenses and other purchases as approved by building principals. Otherwise, the purchasing card may only be used to purchase goods and services approved by the board or the superintendent or designee.

Unauthorized Purchases. In no event shall the purchasing card be used for personal purchases, purchases that are not school related, alcohol purchases, or purchases that are not allowed by law. Such unauthorized use shall result in discipline, up to and including the end of employment. Individuals who make unauthorized purchases shall reimburse the district for the expense within ten days of the purchase or the discovery of the unauthorized purchase, whichever occurs first.

Authorized Users. District administrators may be assigned an individual purchasing card. The board may take action at any meeting to authorize additional users or to revoke or suspend user privileges. Such action shall be recorded in the minutes. The school shall also maintain a purchasing card in the name of the school district. School district employees may purchase school related goods and services with the school district credit card only with authorization from the superintendent.

Documentation. Employees seeking reimbursement for a personal purchasing card purchase shall submit an itemized receipt ***and*** a purchasing card receipt to the school district. The itemized receipt shall include the name of the business, contact information, the date, a description of each item sufficient to give the board reasonable notice of the item purchased, and the price. ***A non-itemized credit card receipt alone is not sufficient.*** Employees shall maintain copies of any documentation submitted to the school district.

Suspension or Termination of Privileges. The board or the superintendent (or his or her designee) (1) ***shall*** temporarily or permanently suspend the purchasing card privileges of any individual that does not submit an itemized receipt for each purchasing card purchase, and (2) ***may*** temporarily or permanently suspend the purchasing card privileges of any individual for any other reason. The individual's purchasing card account shall be immediately closed and he or she shall return the purchasing card to the superintendent or board. Purchases that are not accompanied by the required documentation shall be considered unauthorized, and the individual making the purchase shall reimburse the district within 10 days of the purchase or the discovery of the non-itemized purchase, whichever occurs first.

Reward Points or Rebates. Any reward points, rebates, or other benefits received from the third-party purchasing card company are and shall remain the property of the school district.

Purchase Review Procedures. The superintendent, or his or her designee, and the Business Office Admin Assistant shall conduct independent reviews of credit card expenses, or a sample thereof, on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy shall be brought to the attention of the offending employee, if any, and the board. The superintendent or his or her designee shall provide the board at each regular meeting with the documentation submitted pursuant to this policy or a summary of that documentation with a description of each item sufficient to give the board reasonable notice of the items purchased. Any unlawful or unauthorized purchase shall be addressed as provided in this policy or as otherwise allowed by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3037

Petty Cash

The elementary school, middle school, high school, and school district office each may have a petty cash fund for the purchase of materials, supplies, services, or other school related goods and services in circumstances requiring immediate payment.

Fund Custodians. The amount of each fund will not exceed $50.00. The individuals holding the following employment positions shall be the custodians of each petty cash fund and shall administer and be responsible for them:

Elementary School:	Elementary Admin Assistant
Middle School:	UE/MS Admin Assistant
High School:	High School Admin Assistant
District Office:	Business Office Admin Assistant

Petty fund disbursements may only be made with the authorization of the petty cash fund custodian or the superintendent.

Documentation. All petty cash fund disbursements are to be supported by an itemized receipt or other sufficient evidence that documents the expenditure. The itemized receipt or supporting documentation shall include the name of the business, contact information, the date, a description of each item sufficient to give the board reasonable notice of the item purchased, and the price. Employees shall maintain copies of any documentation submitted to the school district. Expenses will be assigned to the proper budget account.

Unauthorized Purchases. In no event shall the petty cash fund be used for personal purchases, purchases that are not school related, alcohol purchases, or purchases that are not allowed by law. Such unauthorized use shall result in discipline, up to and including the end of employment. Individuals who make unauthorized purchases shall reimburse the district for the expense within ten days of the purchase or the discovery of the unauthorized purchase, whichever occurs first.

Purchase Review Procedures. The superintendent, or his or her designee, and the school district business manager shall conduct independent reviews of petty cash fund expenditures on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy shall be brought to the attention of the offending employee, if any, and the board. The superintendent or his or her designee shall provide the board at each regular meeting with petty cash fund documentation that includes a description of each item sufficient to give the board reasonable notice of the items purchased. Any unlawful or unauthorized purchase shall be addressed as provided by board policy or as otherwise allowed by law.

DAKOTA VALLEY PANTHERS

Reconciliation and Closeout. Each petty cash fund will be reconciled by the school district business manager and closed out at the end of the fiscal year (June 30th). The petty cash fund will be reestablished by the board of education at its July meeting or at such other meeting as determined by the board.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3038

Possession of Firearms by District Patrons

It is the official policy of the school district that no firearms are allowed on school property. Anyone found in possession of a firearm on school property will be considered a trespasser, and the District will contact law enforcement to have the person removed.

Employees. No district employee will knowingly allow anyone to possess a firearm on school property. Any employee who violates this prohibition will be subjected to discipline, up to and including termination.

Exceptions. This policy does not apply to law enforcement officers or the usages described in SDCL 13-32-7.

Adopted: June 10, 2024
Revised: August 10, 2026
Reviewed: _____

3039

Threat Assessment and Response

The board of education is committed to providing a safe environment for members of the school community. Students, staff and patrons are urged to immediately report any statements or behavior that makes the observer fearful or uncomfortable about the safety of the school environment.

1. Obligation to Report threatening Statements or Behaviors.

All staff and students must report any threatening statements or behavior to a member of the administration. Staff and students must make such report regardless of the nature of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who were threatened or who were the focus of the threatening behavior. Staff and students must also make such reports regardless of where or when the threat was made or the threatening behavior occurred.

THREATS OR ASSAULTS WHICH REQUIRE IMMEDIATE INTERVENTION SHOULD BE REPORTED TO THE POLICE.

2. Threat Assessment Team

The threat assessment team (team) shall consist of the superintendent, building principals, school counselors, and members of local law enforcement. The team is responsible for investigating all reported threats to school safety, evaluating the significance of each threat, and devising an appropriate response. The threat assessment team shall be familiar with mental health resources available to students, staff and patrons and shall collaborate with local mental health service providers as appropriate.

3. Threat Assessment Investigation and Response

All reports of violent, threatening, stalking or other behavior or statements which could be interpreted as posing a threat to school safety will immediately be forwarded to a member of the team. Upon receipt of an initial report of any threat, the team will take steps to verify the information, make an initial assessment, and document any decision involving further action. This investigation may include interviews with the person who made the statement(s) or engaged in the behavior of concern, interviews with teachers and other staff members who may have information about the individual of concern, interviews with the target(s) of the threatening statements or behavior, interviews of family members, physical searches of the individual of concern's person, possessions, and home (as allowed by law and in cooperation with law enforcement), and any other investigatory methods that the team determines to be reasonable and useful.

At the conclusion of the investigation, the team will determine what, if any, response to the threat is appropriate. The team is authorized to disclose the results of its investigation to law enforcement and to the target(s) of any threatened acts. The team may, if appropriate, report the results of its investigation to the student's individualized education plan team.

4. Communication with the Public about Reported Threats

To the extent possible, the team will keep members of the school community informed about possible threats and about the team's response to those threats. This communication may include oral announcements, written communication sent home with students, and communication through print or broadcast media. However, the team will not reveal the identity of the individual of concern or of any target(s) of threatened violence unless permitted by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3040

School Safety and Security

In order to fulfill its obligation to provide a safe and secure learning environment, the Board of Education has adopted this School Safety and Security Policy. Although the district will take reasonable steps to protect students and staff, no entity can provide complete safety and security at all times. This policy does not make the district a guarantor of the safety of students, staff or patrons.

I. **General Safety and Security**
   a. **Access to School Facilities**
      i. The school's facilities may not be used for funeral or memorial services during the school day.
   b. **Memorials**
      i. Memorials often create a visual reminder of a particular crisis that may reintroduce feelings of grief for students. Therefore, memorials are generally not allowed on school premises.
      ii. Individuals who wish to seek a waiver of the general prohibition against memorials must follow the steps outlined below:
         - The individual must first meet with the Superintendent to discuss the request for a memorial.
         - Memorials may only be approved by the board and only after completion of the process outlined in this policy.
      iii. This policy is not intended to discourage the acceptance of memorial funds or specific items.

II. Building Principals' Duties Related to Safety and Security
   a. **Visitor Protocol**

The District shall adopt a protocol for visitors to his/her school building to sign in upon arrival and departure and to be identified as a visitor while they are in the building during the school day. The protocol must also address visitors in specialized areas of the school such as playgrounds, gyms, cafeterias and the like.

This protocol may be written or unwritten but must be clearly communicated to and enforced by all staff.

The building principal will report individuals who repeatedly violate the visitor protocol to the superintendent for possible exclusion from school facilities pursuant to board policy.

Adopted: July 11, 2022
Revised: August 10, 2026
Reviewed: _____

3041

Disaster Plan and Drills

The superintendent shall ensure that a written plan is prepared that addresses the safety of pupils and provides for regular fire, tornado, and other disaster drills. The Superintendent will ensure at least two fire exit drills per semester for all students. This plan shall be filed in the office of the superintendent along with a record showing the dates and times of safety drills conducted.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3045

Use of Sniffer Dogs

The board of education finds that the possession of illegal drugs and other contraband on school grounds is unlawful, is disruptive of the educational process, is harmful to students and staff, and is contrary to the interests of the school district. Accordingly, to minimize the presence of these items on school grounds, the administration is authorized to use sniffer dogs according to the protocol set forth in this policy.

Protocol for Use of Sniffer Dogs

1. The superintendent, or the building principal with the superintendent's permission, may initiate the use of specially trained sniffer dogs to conduct an inspection.

2. The administration will contact the canine provider and/or the appropriate law enforcement agency to schedule the use of a sniffer dog or dogs. The administration shall require an assurance from the provider that any sniffer dogs to be used in the school have been properly trained and may request evidence of the training and/or certification of the dogs. In no event will the school district authorize a sniffer dog to sniff any person.

3. The superintendent or if designated by the superintendent, the building principal, and law enforcement representatives or canine provider will confer regarding the specific plan of areas to be inspected. The plan may involve any or all school building facilities, vehicles in the school parking lot, or other areas where student and staff vehicles are parked on school property during or after school hours.

4. If the inspection is scheduled for a day when school is in session, students and staff will be informed over the public address system and will be directed to remain in their rooms until given further directions.

5. During the inspection, administrators may assign personnel to designated areas as deemed appropriate to assist in the smooth handling of the inspection.

6. After the inspection is finished, students and staff will be notified over the public address system.

7. If the sniffer dog alerts, the alert will constitute reasonable cause for the administration to conduct a search of the property. If the sniffer dog alerts on a vehicle on school grounds, the owner will be required to unlock the vehicle doors and trunk for further inspection of the interior of the vehicle. If the owner refuses to unlock the vehicle, the matter will be turned over to law enforcement authorities. The owner will be subject to disciplinary action as specified in board policy and/or the student or staff handbook or as otherwise allowed by law. This may include discipline for the refusal to obey an administrative directive.

8. Any illegal drugs or contraband found on school grounds, whether in a desk, locker, vehicle, or any other place on school grounds, will be confiscated and turned over to law enforcement authorities. A student's parents will be contacted. The individual will be subject to disciplinary action as specified in board policy and/or the student or staff handbook or as otherwise allowed by law.

9. At the conclusion of the inspection, school officials will confer with the canine provider and/or any law enforcement authorities who were involved in the inspection to review the results of the inspection. The administration may authorize any follow-up inspections or other action deemed appropriate.

Notice to Students and Staff

Students and staff shall be informed of the District's policy regarding the use of sniffer dogs as soon as practicable after the adoption of this policy. Thereafter, students and staff shall be informed of the policy at the beginning of the school year. By this policy and/or via the provision in the student or staff handbook, students and staff are specifically notified that:

1. Lockers may be sniffed by sniffer dogs at any time.
2. Vehicles parked on school property may be sniffed by sniffer dogs at any time.
3. Classrooms and other common areas may be sniffed by sniffer dogs at any time students and staff are not present.
4. If contraband of any kind is found, the student or staff member shall be subject to appropriate disciplinary or legal action.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3046

Animals at School

Animals are not allowed in school district buildings or on school district property without the written permission of the superintendent or his or her designee except as provided in this policy or as otherwise required by law.

I. Use of Animals for Instructional Purposes

Animals that support a district program or curriculum or that are used for instructional purposes are allowed in school district buildings or on school district property with the written permission of the superintendent or building principal.

II. Service Animals

The school district does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. An individual with a disability is permitted to be accompanied by his/her service animal on school property when required by law, subject to the conditions of this policy.

Service Animal. A "service animal" is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Work or tasks ***do not*** include the crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship. The work or tasks performed by a service animal must be directly related to the handler's disability or necessary to mitigate a disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. ***See also***, Miniature Horses below.

School District Inquiries. School officials ***may*** ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do ***unless*** the answers to these inquiries are readily apparent. School officials ***may not*** ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing as a service animal.

Procedural Requirements. The following requirements must be satisfied ***before*** a service animal will be allowed in school buildings or on school grounds:

> **Request.** A person who wants to be accompanied by his/her service animal must submit a written request form to a principal or superintendent. The request form is attached to this policy. These requests must be renewed each school year or whenever a different service animal will be used. When a request to be accompanied by a service animal is submitted by, or on behalf of, a student who has an Individualized Education Program (IEP) and/or a Section 504 Plan, then the request shall be promptly referred to the student's respective IEP Team and/or 504 Team for its consideration and/or input.
>
> **Health and Vaccination.** The owner or handler must have proof of current

licensure from the local licensing authority including proof of the service animal's current vaccinations and immunizations required by law.

Service animals will not be allowed in school buildings or other school property until the school has approved the request.

Control. A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest identifying the dog as a trained service dog, leash, or other tether. If the handler is unable to use a harness, backpack, vest, leash, or other tether, because of a disability or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, the use of these items is not required. However, the service animal must be otherwise under the handler's control.

Exclusion or Removal from School. A service animal may be excluded from school property and buildings if a school administrator determines that:

1. A handler does not have control of the service animal;
2. The service animal is not housebroken;
3. The service animal presents a direct and immediate threat to others in the school; or
4. The animal's presence fundamentally alters the nature of the service, program, or activity.

The handler or the student's parent or guardian shall be required to remove the service animal from school premises immediately upon such a determination. If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal

Allergic Reactions. If any student or school employee assigned to a classroom or mode of transportation in which a service animal is permitted suffers an allergic reaction to the service animal, the person having custody and control of the animal will be required to remove the animal to a different location designated by an administrator. The school will arrange a meeting between school personnel, the individual with the disability, and the parents or guardian(s) of the person with the disability if that person is a student to develop an alternate plan.

Supervision and Care of Service Animals. The owner or handler of a service animal is solely responsible for the supervision and care of the animal, including any feeding, exercising, and clean up while the animal is in a school building or on school property. The student's parent or guardian is responsible for providing for the supervision and the care of the animal in the event that his or her student is not able to do so. The school district is not responsible for providing any care, supervision, or assistance for a service animal.

Extra Charges. The owner or handler of a service animal will not be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

Damage to School Property and Injuries. The owner or handler of a service animal is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the animal.

Miniature Horses. Requests to permit the use of a miniature horse by an individual with a disability will be addressed on a case-by-case basis by considering the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

Service Animal in Training. This policy shall also be applicable to service animals in training that are accompanied by a bona fide trainer.

Denial of Access and Grievance. If a school official denies a request for access of a service animal, the disabled individual or parent or guardian can file a written grievance with the school's Section 504 Coordinator.

III. Therapy Animals

A "therapy animal" is an animal that has been individually trained and certified to work with its owner to provide emotional support, well-being, comfort, or companionship. Therapy animals are not "service animals" as that term is used in the Americans with Disabilities Act.

Therapy animals will not be allowed on school grounds or school property except as otherwise required by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3047

Data Breach Response

I. Preparation

A breach of system security is the unauthorized acquisition of unencrypted computerized data or encrypted computerized data and the encryption key by any person that materially compromises the security, confidentiality, or integrity of personal or protected information maintained by the information holder. The district will implement and maintain reasonable security procedures and practices that are appropriate to the nature and sensitivity of the personal information handled by the district. In order to ensure compliance with state and federal law; in the event of a breach, the following preparatory steps shall be taken.

A. Data Governance

The superintendent, or their designee, will create an annually updated data directory that will include:

1. Computing devices purchased by the district,
2. Software that is installed on district devices,
3. Staff members with access to district devices,
4. Staff members with active usernames and passwords for any district software.

B. New Devices and Software

Any new software or device that is used in a district building for district purposes will be submitted to the superintendent or their designee for inclusion in the directory.

II. Incident Response Plan

A. Assessment and Investigation

1. If the District becomes aware of a breach of system security, it will make every reasonable effort to remedy the cause of the breach as soon as possible.
2. The District will conduct a good faith, reasonable, and prompt investigation to determine the likelihood that personal or protected information has been or will be acquired by an unauthorized person.
3. This investigation will include, but not be limited to, an assessment of what software, hardware, and physical documents were accessed; which District personnel had access to the compromised data; and what specific data was compromised.

B. Notification to Affected Individuals

1. If the investigation determines that the unauthorized acquisition of personal or protected information has occurred or is reasonably likely to occur, the district shall give notice to the affected South Dakota resident(s) as required by law.

C. Notification of Law Enforcement and Outside Organizations

1. Notice of any breach of system security will be provided to the South Dakota Attorney General's office as required by law.
2. The Superintendent will determine if the Family Police Compliance Office will be notified of the breach.
3. The Superintendent will determine if the Privacy Technical Assistance Center will be notified of the breach.

Former Employees

When an employee terminates their employment with the District, whether through resignation or termination by the District, the District's Technology Coordinator will ensure all of the former employee's password and access information is changed as soon as practicable. Any physical hardware or other technology belonging to the District must be returned by the employee immediately or the District may pursue criminal action against the employee.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3048

Communicable Disease

The school district strives to provide a safe environment for both students and staff while safeguarding the rights of all students and employees, including those with communicable diseases.

Communicable Diseases. Communicable diseases are those defined by the South Dakota Department of Health.

School Attendance and Participation in School Sponsored Activities. A student who has been diagnosed with a communicable disease shall be provided with educational services in accordance with state law and board policy. Generally, individuals with a communicable disease will be restricted only to the extent necessary to prevent the transmission of the disease, to protect their health and rights of privacy, and to protect the health and safety of others. The decision regarding a student's education program and placement shall be made on an individual basis in light of current medical and educational information and recommendations. In addition, participation in South Dakota High School Activities Association (SDHSAA) events will be subject to its rules and procedures, if any.

Infection and Exposure Control Procedures/Universal Precautions. The district will monitor the information available through the Federal Centers for Disease Control, the South Dakota Department of Health, and the Occupational Safety and Health Administration. This policy and any procedures, universal precautions, or exposure control plan will be modified, if appropriate, based upon the best new medical information provided by the above sources.

The superintendent will take appropriate measures if there is an epidemic or outbreak of a communicable disease which may include, but is not limited to, the emergency exclusion or alternative placement of students or the closure of a school building or the entire school district.

Confidentiality. The existence of an individual's communicable disease shall be treated as confidential and will be limited to school staff on a "need-to- know" basis. If it is necessary to inform a person of another's condition (due to exposure, for instance), the person will be notified of the confidentiality of that disclosure.

Reporting. Any student or staff who learns that an individual has a communicable disease will report it to the superintendent, building principal or school nurse. Failure to report may result in disciplinary action in accordance with state and federal law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3050

Technology in the Classroom

The district desires to use technology in a way that aids in the education of students. New devices and applications offer a number of helpful tools that can improve the student experience and increase learning. Many of these devices and applications also create concerns about student privacy. It is the goal of the district to embrace the helpful elements of technological advancement while remaining mindful of potential student privacy issues.

Devices

Teachers who wish to bring a device that is not provided by the District into the classroom should obtain approval from the principal before deploying the device. The building principal may at his or her discretion prohibit the use of such devices or otherwise limit their use. The building principal may at any time direct that a teacher discontinue use of a given device.

Staff may be allowed to use certain devices in the classroom, such as a Google Home, Amazon Echo, or similar devices. Prior to such usage, staff must obtain permission to use the device from the building principal and Technology Director. Any such device may not be registered with the staff member's district credentials. The district will not maintain any records created by use of the smart speaker device.

All other electronic devices that connect to the internet that a staff member wishes to use for the education of students should be disclosed to the administration prior to use. Any classroom recordings made by a staff member will be made pursuant to district policy.

Assistive Technology

Assistive technology may be used in district classrooms. Any assistive technology, such as an AngelSense device, that actively or passively creates or transmits audio or video recordings must have that function disabled while the student uses the device in a district classroom unless required by law. No assistive technology devices will be permitted to record or transmit the classroom activity of other students unless required by law.

Applications, Generally

The school will serve as an agent for parents/guardians in the collection of information within the school context. The school's use of student information is solely for education purposes.

District Applications

The district uses various software applications to record, track, and store student data. Each application selected by the district is in compliance with federal and state law, to the best of the administration's knowledge. Should the district become aware that an application used by the district has suffered a data breach, or been found to be out of compliance with federal or state law, the district will investigate the scope of the violations and notify students, parents, and staff in accordance with district policy.

Staff-Selected Applications

Staff are permitted to select applications for use in the classroom with prior permission from the Technology Director. The district may at any time direct that a teacher discontinue use of a given application.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3051

Opioid Overdose Prevention and Response

The district may maintain an opioid antagonist in its schools. Pursuant to South Dakota law the board will permit trained school staff to administer the opioid antagonist to any person at school or a school event displaying symptoms of an opioid overdose.

This policy shall not create a duty on the part of the school district and/or its personnel to administer the opioid antagonist. School representatives will not administer opioid antagonist under the following circumstances:

- An opioid antagonist is not available during the overdose emergency;
- There is no individual available who is qualified to administer an opioid antagonist; or
- School representatives are uncertain as to whether an opioid overdose is occurring.

Procurement and Storage. The superintendent, in consultation with the school's nursing staff, will make the necessary arrangements to obtain opioid antagonists. The opioid antagonist will be stored unlocked in the nurses' office(s). The superintendent, in consultation with the school's nursing staff, will reorder opioid antagonists.

Training Requirement. No district employee may administer an opioid antagonist without the training required by this policy. The training must cover:

1. Symptoms of an opiate overdose;
2. Protocols and procedures for administering an opioid antagonist;
3. Symptoms of adverse responses to an opioid antagonist;
4. Protocols and procedures for stabilizing the patient if an adverse response occurs; and
5. Procedures for transporting, storing, and securing an opioid antagonist.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY PANTHERS

3052

Leasing Personal Property

I. Leases of Personal Property by the District

A. Applicability of this Policy

Leases of personal property using any federal funds, whether those funds are derived directly from the federal government (e.g. award of a federal grant) or are derived by pass-through awards from the South Dakota Department of Education (e.g. special education funds, school lunch funds, Title I funds) are subject to the policy on Purchasing and Procurement with Federal Funds, which is found elsewhere in this section.

This policy applies to all other leases of personal property made by the school district other than construction, remodeling, repair and site improvements.

A. General Leasing Policy

1. The school district's budget shall be the guide for all leases of personal property. Any leases of personal property must be approved by the board or superintendent.
2. The board intends to lease competitively, whenever possible, without prejudice and to seek maximum educational value for every dollar expended.
3. The leasing of equipment and other goods shall be centralized in the administration office under the supervision of the superintendent of schools, who shall be responsible for developing and administering the leasing program of the school district.
4. Leases of personal property or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.
5. No board member, employee, volunteer, parent-teacher organization, or other individual or entity may use a school district account, its tax identification number, or its tax exemption to make personal leases of any kind or for any reason.

B. Leasing Procedures

1. School personnel must secure the approval of the board or superintendent before entering into a lease for personal property.
2. For leases of more than $20,000, the district will secure written quotes and/or estimates from a reasonable number of vendors. The district will lease from a responsible vendor with the lowest price unless the board approves the lease from the more expensive vendor.

C. Relations with Vendors

1. The board wishes to maintain good working relations with vendors who lease equipment, goods, and other personal property to the school system. The school shall not extend favoritism to any vendors. Each lease shall be entered into on the basis of quality, price and delivery, with past experiences being a factor if all

other considerations are equal.
2. No lease shall be made that violates any conflict of interest policy or law.
3. The board believes in patronizing local businesses. Consequently, when proposals are judged to be equal in terms of quality, price, and/or service, the lease will be awarded to the firm that is located within the district. However, the board will not sacrifice either quality or economy to patronize local businesses.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3053

Nondiscrimination

The School District does not discriminate on the basis of prohibited factors in employment and educational programs/activities. The School District affirmatively strives to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of sex

Age Discrimination in Employment Act of 1967 (ADEA) as amended
- prohibits discrimination on the basis of age with respect to individuals who are at least 40

The Equal Pay Act of 1963 as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions

The Pregnant Workers Fairness Act (PWFA) – requires covered employers to provide reasonable accommodations to qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions

The Uniformed Services Employment and Reemployment Rights Act (USERRA) – provides job protections and reemployment rights to military reservists and National Guard members called to active duty

The Boy Scouts of America Equal Access Act - prohibits discrimination against groups that wish to access district facilities

The South Dakota Human Relations Act – prohibits discrimination on the basis of race, color, creed, religion, sex, ancestry, disability or national origin

The Equal Pay Act of South Dakota – prohibits discriminatory wage practices based on sex

Veterans Preference Law (SDCL § 3-3-1 *et seq.*) stipulates categorical preferences for employment for military veterans and for the spouses of disabled veterans

Additional School Board policies prohibit harassment and/or discrimination against students, employees, or patrons on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, age, pregnancy, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

Any person who believes she or he has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity may file a complaint using the district's complaint procedures.

Inquiries regarding compliance with any of the laws referred to in this policy may be directed to the superintendent or to the district's Title IX and/or Section 504/ADA Coordinator.

Adopted: July 11, 2022
Revised: June 10, 2024
Reviewed: _____

3055

Medical Cannabis

The District will allow individuals to consume medical marijuana in accordance with the law and this policy.

Designated Caregiver is a person who is at least 21 years old who has agreed to assist with a student's medical use of cannabis. No person can act as a designated caregiver if they have been convicted of a felony.

Medical Cannabis is cannabis in a non-smokable form.

Registry Identification Card is a document issued or recognized by the South Dakota Department of Health that identifies a person as a registered qualifying patient or registered designated caregiver.

Student Cardholder is a student who possesses a valid registry identification card.

Required Notice and Documentation. The District will allow a designated caregiver to administer medical cannabis to a student at school or during a school-sponsored activity only after the caregiver does the following:

- Notifies the District of their intent to administer medical cannabis to a student; and
- Submits the following documentation:
    - A physician's written and signed certification which states the recommended dosage, frequency or time of administration and length of time between dosages;
    - Present the student's and designated caregiver's registry identification cards for the District's records. The District will maintain a copy of both cards;
    - A written statement releasing the District and personnel and volunteers of the school district from any and all liability, except in cases of willful or wanton conduct or reckless disregard of the criteria of the treatment plan;
    - A written acknowledgment that no District personnel are required to administer medical cannabis.

Self-Administration Forbidden. No student, regardless of age, may possess or self-administer medical cannabis at school or during a school activity. A student who has reached the age of 18 must still comply with all notice and documentation requirements of this policy and must still have a designated caregiver administer medical cannabis at school or during a school activity.

Change in Status. A parent or guardian of a student must provide written notice to the District if:

- The student's designated caregiver changes;
- The student no longer has a debilitating medical condition as defined by state law regarding medical cannabis; or
- The student's registry identification card is void, expired, or revoked.

This notice must be provided within ten calendar days of the change. Failure to provide such notice may result in the District refusing to continue to allow administration of medical cannabis.

Discipline. Any student in possession of or under the influence of cannabis inconsistent with this policy is subject to discipline in accordance with District policy.

Safety of Others. The District may choose to disallow students from participation in various educational tasks or school activities if the student's usage of medical cannabis could put the student or others in an unsafe environment or the student's usage causes disruption to the educational environment.

Caregiver Administration. District personnel will not administer medical cannabis to student cardholders. Upon providing all required notice and documentation as required by this policy, a designated caregiver may possess and administer to a student cardholder on or in school property or at a school- sponsored activity. District personnel who are also parents, guardians, or individuals in legal control of a student eligible for administration of medical cannabis must comply with all aspects of this policy to serve as a designated caregiver.

To ensure such administration does not create a disruption to the District's educational environment, each caregiver will meet with District administration or relevant education team to create a written administration plan for time, place and frequency of administration. This plan must be formulated prior to the designated caregiver's administration of medical cannabis.

After each administration, the designated caregiver will remove any remaining medical cannabis from the District, any property being used by the District, or the school activity.

Staff Usage of Medical Cannabis. All District personnel are subject to the District's policy regarding the maintenance of a drug-free workplace. Any District employee may be subject to discipline for the ingestion of cannabis at school or for performing their duties while under the influence of cannabis, in accordance with state and federal law. This policy in no way alleviates the requirements of District policy regarding drivers.

Usage by District Guests and Patrons. Any person on school grounds or attending a school activity will not be allowed to be under the influence of cannabis or to use medical cannabis in such a way that it causes a disruption to the educational

environment. Failure to comply with this policy may result in exclusion from school grounds or activities, in accordance with state and federal law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

3056

Guest Speakers

The school board recognizes that guest speakers with demonstrated expertise in areas of interest to the school district and its students may enrich the students' educational experiences. The school district has adopted this policy to ensure that the messages provided by outside speakers do not conflict with school district policies, the fundamental values of a public-school education, or the legal limitations placed on public school districts. Individuals who wish to invite a guest speaker must follow the procedures outlined below.

Classroom or School-Sponsored Activity Guest Speakers. Teachers or activity sponsors who desire to invite a guest speaker to address his or her class or activity members must:

1. Research the guest speaker, have a clear understanding of the guest speaker's purpose and message, and determine that the speaker's message complies with the school district's policies and fundamental values.

2. Complete a Guest Speaker Request Form and submit it to the building principal at least seven days prior to the proposed appearance.

3. Prepare students in advance for the experience.
4. Remain with the speaker and students to facilitate and monitor the discussion. Provide appropriate follow-up activities and education.
5. Provide appropriate follow-up activities and education.

Assembly Speakers. Employees who desire to invite a guest speaker to address staff or students at an assembly must follow the identical procedures outlined above. In addition, the employee must submit the Guest Speaker Request Form to the superintendent at least 14 days prior to the proposed appearance and the speaker submitted materials upon receipt.

Other Requirements. The inviting employee or appropriate administrator may interrupt or stop the presentation if it violates this or any other school policy.

School Visitors. Any adults who are not employed by the District must check into the main office of the building to access school premises during school hours, except for public events, public speaking assemblies, and school concerts. Anyone on school property who has not checked-in may be asked to leave the premises immediately.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

3057

Title IX Policy

Nondiscrimination. The school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates including in admission and employment. Inquiries about Title IX may be referred to the school district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The school district's Title IX Coordinator may be contacted at Bill Clements, 1150 Northshore Drive, North Sioux City, SD, Bill.Clements@k12.sd.us, 605-422-3820. The school district's nondiscrimination policy and grievance procedures can be accessed at: https://www.dvschools.com/. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator.

Publication Notice. The school district will include the following notice on its website and in each handbook, catalog, announcement, bulletin, application form, and other places as required by law:

> The school district prohibits sex discrimination in any education program or activity that it operates, and individuals may report concerns or questions to the Title IX Coordinator. The school district's Title IX policy, notice, and other information may be accessed at the following link: https://resources.finalsite.net/images/v1718907199/dvschoolscom/z55kyxgrtzx7xybnxrdg/DakotaValleyPolicyBook_Adopted_722_revised_62024.pdf

Retaliation Prohibited. Retaliation, including peer retaliation, is prohibited in the school district's education program or activity. If the school district has information about conduct that reasonably may constitute retaliation under Title IX, it may be required to treat it as an allegation of sex discrimination. Upon receiving a complaint alleging retaliation, the school district will initiate its grievance procedures or informal resolution process.

Definitions. As used in this policy, the following terms are defined as follows:

Complainant means an employee, a student, or a parent, guardian, or other individual with the legal right to act on behalf of a complainant who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment; or any other person who may have been subjected to sex discrimination when that person was participating or attempting to participate in the school district's education program or activity.

Complaint means an oral or written request to the school district that objectively can be understood as a request for the school district to investigate and make a determination about alleged sex discrimination under Title IX.

Consent for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not

consent. School district officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

Respondent means a person who is alleged to have violated the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that the school district's policy or practice discriminates on the basis of sex, the school district is not considered a respondent.

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that is:

Quid pro quo harassment. An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the school district's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the school district's education program or activity.

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

- **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Non-forcible—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

- **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

Dating violence meaning violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship;

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school district, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Response to Sex-based Harassment.

All Employees. All school district employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including sex-based harassment under Title IX.

Title IX Coordinator. The school district will designate and authorize at least one

employee as the school district's "Title IX Coordinator," to coordinate the school district's efforts to comply with its responsibilities under Title IX and this policy. The superintendent or Title IX Coordinator is authorized to delegate specific duties to one or more designees.

For conduct that could constitute sex-based harassment, the Title IX Coordinator must take the following actions:

- Offer and coordinate supportive measures for the complainant and for the respondent;
- Notify the complainant or the individual who reported the conduct of the grievance procedures and, if appropriate, the informal resolution process.
- Take other appropriate steps to avoid the recurrence of sex discrimination and restore or maintain equal access to the school district's programs and activities.

Supportive Measures. The school district will provide supportive measures, as appropriate, in cases involving sex-based harassment. These measures may include but are not limited to: counseling; extending deadlines; increased supervision; no-contact directives; leaves of absence; changes in class, work, or activities, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment. Supportive measures may be continued, modified, or discontinued at the conclusion of any grievance process. Supportive measures will not be disclosed to anyone other than the person to whom they apply and others, including school officials, who need to know the supportive measures to implement them.

Requests to Modify Supportive Measures. A complainant or respondent may request modification or reversal of the school district's decision to provide, deny, change, or terminate supportive measures applicable to them. Requests must be made to the Title IX Coordinator in writing, and an impartial individual will review the request.

Students with Disabilities. If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP or Section 504 team to determine compliance with those laws while implementing supportive measures and all other requirements of this policy and Title IX.

Emergency Removal. The school district is authorized to remove a respondent from the school district's education program or activity on an emergency basis, provided that the school district undertakes an individualized safety and risk analysis; determines that an imminent and serious threat to the health or safety of a complainant or other persons arising from the allegations of sex discrimination justifies removal; and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. The school district is authorized to place an employee respondent on administrative leave from employment responsibilities during the pendency of the school district's grievance procedures.

Informal Resolution. The school district may offer an informal resolution process unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or informal resolution would be contrary to law. Prior to initiating informal resolution, the parties will be provided with notice of the allegations. Participation in informal resolution is voluntary, and any informal resolution will include consent from the complainant and respondent, the ability to withdraw from the process, and the right to resume the grievance process. If an agreement is reached, it precludes the parties from initiating or resuming the grievance process.

The informal resolution facilitator will not be the same person as the investigator or the decisionmaker in the school district's grievance procedures. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact, restrictions on participation in programs or activities, and disciplinary sanctions.

If informal resolution is offered, the school district will maintain all evidence gathered, communications about the informal resolution process, and the agreement reached. This information will be disclosed to outside individuals only as permitted by law and if required to implement the requirements of the agreement or Title IX. If no agreement is reached, only relevant and permissible evidence received during the informal resolution process will be considered during the grievance process.

Grievance Procedures to Resolve Complaints of Sex Discrimination. Any person designated as Title IX Coordinator, investigator, or decision maker will not have a conflict of interest or bias for or against any party, generally or specifically. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

Complaint. Complaints of sex-based harassment may only be made by a complainant; a parent, guardian, or other individual with the legal right to act on behalf of a complainant; or the Title IX Coordinator. Complaints of sex discrimination (excluding complaints of sex-based harassment) may be made by any person who was participating or attempting to participate in the school district's education program or activity at the time of the alleged sex discrimination.

Complaint by Coordinator. In the absence of a complaint made by any other individual, the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination. The Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with the initiation of a complaint;
- The complainant's reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the school district;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the school district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator initiates a complaint, they will notify the complainant prior to doing so and address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

Consolidation of Complaints. The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references in this section to a party, complainant, or respondent include the plural, as applicable.

Basic Procedures. This grievance procedure is governed by the following basic requirements:

- A respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedure;
- The school district will treat the complainant and respondent equitably throughout the grievance process;
- The school district will take reasonable steps to protect the privacy of individuals participating in the grievance process in a manner that does not restrict the parties from obtaining and presenting evidence, speaking to witnesses, consulting with family members or advisors, or otherwise participating in the grievance process;
- The District will use the following timelines for each complaint, but the Title IX Coordinator or designee may extend them as needed:

Major Stage	**Target Duration** (calendar days)
Completion of the school district's decision whether to dismiss or investigate a complaint of sex discrimination	1-15
Investigation	1-30
Determination	1-30
Appeal	1-20

Notice of Allegations. Upon initiation of the grievance procedure, the school district will provide notice of the allegations to the parties whose identities are known. The notice will include a copy of this policy; the parties involved in the incident(s); the

conduct alleged to constitute sex discrimination; and the date(s) and location(s) of the alleged incident(s), if available. Retaliation is prohibited.

If the school district decides to investigate additional allegations of sex discrimination that are not included in the initial notice, the school district will provide notice of the additional allegations to the parties.

Complaint Investigation. The burden is on the school district to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The individual investigating and deciding the complaint will:

- Provide an equal opportunity for the parties to present fact witnesses and relevant and permissible evidence;
- Objectively review all evidence gathered through the investigation and determine what evidence is relevant and permissible;
- Provide each party with an accurate description of the relevant and permissible evidence, and upon request, copies of this evidence;
- Provide the parties a reasonable opportunity to respond to the evidence;
- Use a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility, but credibility will not be based upon any individual's status as a complainant, respondent, or witness; and
- Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Relevant and Permissible Evidence. The school district will consider relevant and permissible evidence. Relevant evidence is evidence related to the allegations of sex discrimination under investigation as part of the grievance procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Generally relevant evidence is permissible, but does not include:

- Evidence that is protected under a privilege as recognized by Federal or State law;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness unless the school district obtains that party's or witness's voluntary, written consent for use in this grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless that evidence is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Determining Whether Sex Discrimination Occurred. The school district will:

- Use the preponderance of the evidence standard of proof, that it is more likely than not, to determine whether sex discrimination occurred;
- Use only relevant and permissible evidence to reach a determination;
- Notify the parties in writing of the determination whether sex discrimination occurred, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- If there is a determination that sex discrimination occurred, coordinate and provide remedies to restore equal access, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur;
- Not discipline a party, witness, or others participating in a school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

Dismissal of a Complaint. A complaint of sex discrimination made through the grievance procedure may be dismissed for any of the following reasons:

- The school district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the school district's education program or activity and is not employed by the school district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that without the complainant's withdrawn allegations, the remaining alleged conduct would not constitute sex discrimination even if proven;
- The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint under this paragraph, the school district must make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The school district will notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal.

If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent that the dismissal may be appealed on the basis set out in this policy. Upon the dismissal of a complaint, at a minimum, the school district will:

- Offer supportive measures to the complainant, and offer supportive measures to the respondent if the respondent has been notified of the complaint;
- Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.

Appeal. The school district will provide the parties the opportunity to appeal the decisionmaker's written determination or a dismissal of a complaint, on the grounds identified below. The school district will implement appeal procedures equally for the parties, including a reasonable and equal opportunity to make a statement in support of or challenging the outcome being appealed. Appeals under Title IX, like other comparable proceedings, will be handled consistent with the school district's general complaint policy.

Time for Appeal. Appeals may only be initiated by submitting a written Notice of Appeal to the superintendent within three (3) calendar days of the party's receipt of (1) the written determination of whether sex discrimination occurred from which the appeal is taken, or (2) the written dismissal of the complaint from which the appeal is taken.

Notice of Appeal Filed By Party. The Notice of Appeal must include (a) the name of the party or parties appealing, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from the following subsection) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy and Title IX.

Appeals of Dismissals. If a dismissal is appealed, the school district will provide notice of the allegations to the complainant and respondent if not provided previously.

Appeal Decision. The decisionmaker for the appeal will be an individual who did not take part in the investigation, determination, and/or decision to dismiss the complaint. The appeal decisionmaker will notify the parties of the result of the appeal and the rationale for the result.

Disciplinary Sanctions and Remedies. If it is determined that sex-based harassment occurred, the school district may impose disciplinary sanctions that may include suspension, expulsion, mandatory reassignment, adverse employment action up to and including termination, or any other actions regarding student behavior that are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a

student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

Superintendent Authorized to Contract. The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the school district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

Recordkeeping. The school district will maintain the following documents for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or grievance procedures and the outcome.
- Records documenting the actions the school district took to meet its obligations under Title IX for any allegation of sex discrimination.
- All materials used to provide training as required by this policy. The school district will make these training materials available upon request for inspection by members of the public.

Adopted: July 11, 2022
Revised: August 12, 2024
Revised:_____

3058

Audio and Video Recording

Students and their parents or guardians should assume that any class or activity in the school may be recorded by the school district for legitimate educational purposes. There is no reasonable expectation of privacy within classrooms, common areas of the school building or on school grounds outside the building. Recordings permitted pursuant to this policy may only be used for authorized purposes and may not be republished without additional, written consent from a school administrator. For purposes of this policy "recording" includes still photographs, video, audio, and other similar data captured in any medium.

Secret Recordings. No person is permitted to make surreptitious recordings on school grounds unless authorized by the superintendent.

Recordings Made by The District. The district may use cameras or other devices for purposes of making security, safety, or other recordings when such recordings are deemed necessary or appropriate by an authorized representative of the district. The district will not maintain the recordings unless the recording is purposefully copied and saved. Any recording not copied and maintained separately may only be accessible by the authorized representative for a limited time. Recordings made by the district may be destroyed by an authorized representative at any time unless retention is required by law.

Recordings Made by Parents/Guardians and Patrons. Parents/guardians and patrons may make recordings of school activities in a non-disruptive manner including things like athletic contests and school board meetings to the extent permitted by law unless otherwise lawfully restricted by the administration. Parents/guardians may not make recordings if they are volunteering or visiting school during the school day without permission of the administration and subject to this policy, such as recording their child's classroom activities or recess. Parents may not record meetings with an administrator or staff, including meetings related to a student's IEP or 504 plan. Violation of this policy will result in immediate termination of any meeting that is being recorded and may be grounds for exclusion from school property, loss of volunteer privileges, or other restrictions deemed appropriate by the administration.

Recordings Made by Staff. Certified teaching staff members may make audio and video recordings of classroom instruction, student behavior or performance, and school activities upon authorization of the superintendent or supervising administrator and only for legitimate educational purposes. No other staff member, certified or otherwise, may make secret recordings while on duty, even if those recordings do not violate state or federal criminal or privacy laws. Staff members who violate this provision may be subject to consequences up to termination for classified staff and cancellation of contract for certificated staff.

Recordings Made by Students. This policy applies to students during the school day on school grounds; when being transported to and from school activities or programs in a vehicle owned,

leased, or contracted by a school being used for school purposes by an employee or his or her designee; or at a school-sponsored activity or athletic event. Students may make recordings of school activities in a non-disruptive manner including things like athletic contests and other extracurricular performances to the extent permitted by law. Students generally are not permitted to record classroom instruction or members of the school community during the school day without the express consent of a staff member of as required by the student's educational plan. Student use of assistive technology that has the capacity to record and/or transmit recordings (e.g. Angelsense) must be approved by the student's education team or administration. Students remain subject to all other district policies and rules. In no event shall recordings be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed:_____

3059

Investment of School District Funds

The board approves the investment of school district funds.

Authorized Investments. School district funds may only be deposited in lawful depositories in checking accounts, savings, accounts, or time deposits. School district funds which will not be needed for current operating expenses may be invested in:

• Bonds, registered warrants, or promissory notes of the school district making the investment, or securities issued and guaranteed by the United States government; or

• Investments authorized by SDCL chapter 4-5 limited to the investments listed in SDCL 4-5-6 and 4-5-6.2, including: securities of the United States and securities guaranteed directly or indirectly by the United States government (such as United States Treasury bills, notes, bonds, and other obligations) that, for funds other than permanent, trust, retirement, building, and depreciation reserve funds, either mature within eighteen months from the date of purchase or are redeemable at the option of the holder within eighteen months from the date of purchase; and, in addition, direct obligations of any South Dakota county, municipality, or school district in the state and bonds issued by the South Dakota Housing Development Authority, the South Dakota Health and Educational Facilities Authority, or the South Dakota Building Authority, to the extent authorized by SDCL 4-5-6.2.

Interest earned on investments will be credited to the respective fund or the general fund.

Maturity Limits. Except for permanent, trust, retirement, building, and depreciation reserve funds, investments will mature within eighteen months from the date of purchase or be redeemable at par at the option of the holder within eighteen months, as required by law.

Bond Redemption Fund. Money in any bond redemption fund may be invested in bonds, registered warrants, or promissory notes of the school district making the investment, or securities issued and guaranteed by the United States government, provided such investments mature on or before the date the bonds become due and payable, except bonds of the United States redeemable at par.

Investment Authority. In accordance with SDCL 13-16-18 and SDCL ch. 4-5, investments will be authorized and conducted by Board resolution. All individual investment transactions made by the Business Manager pursuant to such resolutions are deemed to be conducted by Board resolution and do not require

separate action by the Board. Deposits of District funds in lawful depositories in checking accounts, savings accounts, or time deposits are not investments for purposes of this section. Any investment not authorized by an existing Board resolution requires prior approval by resolution of the Board.

Adopted: July 13, 2026
Revised: August 10, 2026
Reviewed:_____

3060

ACH Originator Policy

The District sends electronic payments through the ACH (Automated Clearing House) Network such as payroll direct deposits and/or vendor payments. Because of these payments, the District is classified as an ACH Originator. As an ACH Originator, the District is required to meet the requirements of the NACHA Operating Rules which govern the ACH Network. The District's bank requires compliance with the Rules as a condition of the District's ability to send ACH Payments.

Responsibilities. The District follows all terms of its Originating Depository Financial Institution/Originator Agreement with its bank. The District obtains a written authorization before sending any ACH payment. The District meets all processing deadlines set by the bank and NACHA. The District gives authorization records to the bank upon request within NACHA's required timeframes. The District keeps all sensitive banking information secure. When the District receives a Notification of Change, it updates the payment record before the next ACH transaction. When the District receives a return due to an error or unauthorized activity, it stops all related subsequent payments until instructions are received from the Bank. The District keeps its computer systems and network secure in line with its bank agreement. The District uses procedures to spot unauthorized payments. All employees with ACH duties will complete training, if required by the Bank or NACHA, and respond to audit requests. The District will implement internal controls and procedures to mitigate errors and risk of unauthorized ACH entries.

ACH Procedures. Before sending any ACH payment, the District receives a written, signed authorization and keeps it on file. The District submits all ACH files through its bank's online portal using multi-factor authentication. Before acting on any new payment or any change to existing payment instructions over $_____, the District confirms the information by a separate method, such as a phone call to a known number. The District stores banking data securely and limits access to authorized staff only.

Fraud Monitoring. The District reviews ACH transactions for unusual patterns or amounts before submitting each file. If the District suspects an error or unauthorized ACH transaction, the District will: determine whether the problem is fraud, a scam, or an internal error; notify the bank right away; contact law enforcement if needed; and stop all related future ACH transactions.

Employee Training. All employees with ACH duties will complete ACH origination training provided by the bank each year.

Adopted: July 13, 2026
Revised:
Reviewed:_____

4001

Criminal Background Checks

Any person hired by the District who is over eighteen years old will submit to a criminal background investigation through the Division of Criminal Investigation and the Federal Bureau of Investigation. The District will obtain criminal history record information (CHRI) for the non-criminal justice purpose of employment.

Requesting CHRI Checks. Fingerprint-based CHRI checks will only be conducted as authorized by the FBI and the South Dakota Division of Criminal Investigation (SD DCI), in accordance with all applicable state and federal rules and regulations. Persons hired by the District will be notified of the requirement to submit to a criminal background check by school administration. School administration shall instruct the person hired on how to complete the procedure for submitting fingerprints and where fingerprinting can be completed. Upon completing fingerprinting, the District will submit the fingerprints to SD DCI for processing.

Volunteer CHRI Checks. Individuals who wish to volunteer at the District will submit fingerprint-based CHRI checks to the South Dakota Division of Criminal Investigation. The CHRI checks will not be submitted to the FBI for processing based on current state statute.

Access to CHRI. All CHRI is subject to strict state and federal rules and regulations. The District will ensure no willful, unauthorized disclosure of CHRI occurs. CHRI is used only for the sole purpose of hiring determinations.

As required by state statute, the results of the background investigation shall be transferred to any school district from the initial school district that obtained the background investigation if the additional school district or the school district employee requests in writing to the initial school district that the results be transferred and the school district employee who was the subject of the criminal background investigation signs a written release authorizing the transfer. The District will keep a dissemination log indicating any CHRI which has been shared pursuant to state law.

CHRI Training. All personnel authorized to receive and/or review CHRI at the

District will review and become familiar with the educational and relevant training materials regarding CHRI laws and regulations made available by the SD DCI. Additionally, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on an annual basis through CJIS Online.

Adverse Decisions Based on CHRI. The District may refuse to employ a person who has been convicted of a crime involving moral turpitude. Moral turpitude is defined, in South Dakota law, as "an act done contrary to justice, honesty, principle, or good morals, as well as an act of baseness, vileness, or depravity in the private and social duties which a person owes to his fellow man or to society in general." The District shall not employ a person who has been convicted of a crime of violence as defined in SDCL 22-1-2(9), a sex offense as defined in SDCL 22-24B-1, or trafficking in narcotics. The District may consider any criminal conviction in making a hiring decision.

If the District will make an adverse hiring decision based on the results of the new hire's CHRI, the District will take the following steps prior to making an adverse determination:

- Provide the individual the opportunity to complete or challenge the accuracy of the individual's CHRI; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

An individual will have five days to correct or complete the CHRI.

Non-Criminal Agency Coordinator (NAC) and Local Agency Security Officer (LASO). The District designates the business manager or the business manager's designee as the NAC and the superintendent or the superintendent's designee as the LASO.

The NAC is responsible for the following: maintaining an updated Authorized Personnel List with the SD DCI, ensuring everyone included on this list must undergo the appropriate level of CJIS Security Awareness Training, ensuring everyone included on this list signs an Acknowledgement Statement of Misuse and the SD DCI Misuse Notification, informing the SD DCI of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.), and contacting the SD DCI immediately to update the User Agreement and, if necessary, submit the new authorization to the SD DCI.

The LASO is responsible for the following: identifying who is using or accessing CHRI and/or systems with access to CHRI, ensuring that personnel security screening procedures are being followed as stated in this policy, ensuring the approved and appropriate security measures are in place and working as expected, terminating access to CHRI immediately upon notification of an individual's termination of employment.

Retention of CHRI. Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in the District's files for the following purposes only:

- Historical reference and/or comparison with future CHRI requests
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in hard copy form in personnel files located in the locked filing cabinet located in the locked filing room. CHRI will be retained for five years or three years after termination of an employee, whichever is greater. At the end of this term, the CHRI will be shredded by an authorized individual of the District provided no litigation or grievance is pending.

Storage of CHRI. CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI security Policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI will familiarize oneself with these safeguards. Each individual involved in the handling of CHRI will strictly adhere to the policy on the storage and destruction of CHRI.

Media/Physical Protection. All media containing CHRI is to be protected and secured at all times. Physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Destruction of CHRI. Once physical CHRI media (paper/hard copies) is determined to be no longer needed by the District, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding.

Disciplinary. If an individual at the District has misused or is currently misusing

CHRI, the individual may be subject to disciplinary actions up to and including termination and may lose access to CHRI. Any misuse of CHRI shall be reported to the SD DCI.

Incident Response. The District has established procedures for instances of an information security breach. All security breaches will be immediately reported to the LASO. If any records were stolen, the incident will also be reported to appropriate authorities. The LASO shall report all security-related incidents to the SD DCI within 24 hours and submit an incident response form. Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with District policy and procedure.

Adopted on: July 11, 2022

Revised on: August 11, 2025

Reviewed on: _____

4002

Drug Free Workplace

It is vitally important to have a healthy workforce that is free from the effects of illegal drugs. The use or possession of unlawful drugs in the workplace has a very detrimental effect upon safety and morale of the affected employee, coworkers, and the public at large; and on productivity and the quality of work.

Federal law requires this school district, as a recipient of federal funds, to maintain a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the district's workplace is prohibited. The term "workplace" includes every location where district employees may be found during their working hours or while they are on duty, regardless of whether the location is within the geographic boundaries of the district. Any employee who violates this policy will be disciplined with measures up to and including discharge. The district may, in its sole discretion, require or allow an employee who violates this policy to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program.

The district shall provide every current employee with a copy of this policy and shall provide each newly hired employee with a copy upon hiring. Every employee shall be required to signify receipt of a copy of the policy in writing. All district employees must abide by this policy, including those who are not directly engaged in the performance of work pursuant to a federal grant.

An employee must notify his/her supervisor of any conviction of a criminal drug statute for a violation occurring in the workplace within five days. The failure to report such a conviction will be grounds for dismissal. If the employee convicted of such an offense is engaged in the performance of work pursuant to the provisions of a federal grant, the district shall notify the grant agency within 10 days of receiving notice of a conviction from the affected employee or of receiving actual notice of such a conviction.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4003

Drug Policy Regarding Drivers

Policy Statement. Drivers for the school district must be free from drug and alcohol abuse, and the use of illegal drugs or improper use of alcohol is prohibited. The overall goal of drug and alcohol testing is to ensure a drug- free and alcohol-free transportation environment, and to reduce accidents, injuries and fatalities.

Designated Contact. The school district has designated the Business Manager as the individual any driver may contact with questions about this policy or the school district's drug testing program and procedures for drivers. This individual further maintains and may provide drivers with informational materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Business Manager may be contacted at 605-422-3800.

Covered Drivers. Any person who operates a commercial motor vehicle on behalf of the school district is covered by this policy and the school district's drug testing program and procedures for drivers. All covered drivers must provide the school district a signed statement certifying that he or she has received a copy of this policy and related materials.

Covered Workday. A driver is required to comply with this policy and the terms of the school district's drug testing program and procedures for drivers at all times they are assigned, or may be assigned, to perform safety-sensitive functions. This includes all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) all time at a school district facility or property, contractor facility or property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the school district; (2) all time inspecting equipment as required by state or federal law or regulation and any and all other time inspecting, servicing, or conditioning any commercial motor vehicle; (3) all time spent at the driving controls of a commercial motor vehicle in operation; (4) all time, other than driving time, in or upon any commercial motor vehicle; (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibited Conduct. No driver shall: (1) report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater; (2) use alcohol while performing safety- sensitive functions; (3) perform safety-sensitive functions within four hours after using alcohol; or (4) refuse to submit to a pre-employment controlled substance, a post-accident alcohol or controlled substance test, a random alcohol or controlled substances test, a reasonable

suspicion alcohol or controlled substance test, a return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substance test required under state or federal law or this policy. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall: (1) report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 31 CFR 1308.11 Schedule 1; (2) report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle; or (3) report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Types of Testing. Pursuant to regulations promulgated by the Department of Transportation (DOT), the district has implemented four types of testing: (1) pre-employment testing, (2) reasonable cause testing, (3) post-accident testing and (4) random testing.

Refusal to Submit to Testing. A driver shall not refuse to submit to testing. A driver will be considered to have refused to submit to testing if the driver fails to provide a sample or specimen necessary for testing upon a lawful request, consistent with the required testing protocols. The refusal to submit to the testing used by the district will be grounds for refusal to hire driver applicants and to terminate the employment of existing drivers.

Consequences for Violations. Any driver who becomes unqualified on the basis of violation of the terms of this policy will be subject to disciplinary action which may include termination of the driver’s employment and shall include the immediate removal from safety-sensitive functions in compliance with federal law. No driver tested pursuant to this policy and the school district’s drug testing program and procedures who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Return to Duty Process. A driver who has violated this policy or the school district drug testing program and procedures cannot again perform any safety- sensitive functions until and unless the employee completes the return-to- duty process, including the substance-abuse professional’s (SAP) evaluation, referral, and recommended education or treatment. The school district will provide employees the relevant contact information for available and acceptable SAPs as necessary, but the school district is not required under the law to provide an SAP evaluation or any subsequent recommended education or treatment for a driver. Any driver completing the return-to-duty process must complete a return-to-duty test and test negatively.

Disqualification. Any applicant who tests positive for the presence of the following drugs is medically unqualified to drive and will not be considered for the position of driver: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, or (5) phencyclidine (PCP). Any district driver who tests positive shall be medically unqualified and removed from service immediately.

Pre-employment Testing. All applicants for employment must submit to drug and alcohol tests as a condition of being considered for employment.

Reasonable Cause Testing. The district shall have reasonable cause to require a driver to submit to drug testing when a driver manifests physical or physiological symptoms or reactions commonly attributed to the use of controlled substances or alcohol.

Post-Accident Testing. A driver who has been involved in a reportable accident must submit to drug and alcohol testing as soon as possible. A reportable accident includes any accident in which there is a fatality, a person is injured and must be treated away from the accident site, the driver receives a citation for a moving violation, or a vehicle is towed from the scene. The driver must notify the district immediately regarding any reportable accident.

Serious Injury to the Driver. If a driver is so seriously injured that he or she cannot submit to testing at or immediately after the time of the accident, the driver must provide the necessary authorization for the district to obtain

hospital reports or other documents that would indicate whether there were controlled substances or alcohol in the driver's system.

Random Testing. All drivers will be subject to unannounced random testing for drugs and alcohol. The district or its agents will periodically select drivers at random for testing. A district official will notify a driver when his or her name has been selected and will instruct the driver to report immediately for testing. By its very nature, random selection may result in one driver being tested more than once in a 12-month period, while another driver may not be selected at all during the same 12 months.

Frequency of Random Testing. Under DOT regulations, the district must test at least 50 percent of its average number of driver positions for drugs and 25 percent of its average number of driver positions for alcohol each year. The tests must be unannounced and spread evenly throughout the year. DOT regulations also require that every driver selected at random must have his or her name placed back in the random pool for the next selection period.

Testing Procedure. All urine and blood specimens collected under the policy will be submitted to an approved laboratory for testing. Specimens that initially test positive for drugs will be subjected to a subsequent confirmation test before being reported by the laboratory as positive. All such specimens collected and submitted will be maintained securely to safeguard the validity of the test results and maintain the integrity of the testing process while ensuring the results are attributed to the correct driver.

Medical Review Officer. All laboratory test results will be reported by the laboratory to a medical review officer (MRO) designated by the district. Negative test results will be reported as such by the MRO to the district. Before reporting a positive test result to the district, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact a district official designated in advance by the district, who shall in turn contact the driver and direct the driver to contact the MRO. Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. If required by DOT regulations, personal information collected and maintained pursuant to this policy shall be reported to the Clearinghouse by the MRO in the event of: (1) a verified positive, adulterated, or substituted drug test result; (2) an alcohol confirmation test with a concentration of 0.04 or higher; (3) a refusal to submit to any test required by this policy and the school district's drug testing program and procedures; (4) an employer's report of actual knowledge that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use; (5) on duty alcohol use as prohibited above; (6) pre-duty alcohol use as prohibited above; (7) alcohol use following an accident as prohibited above; (8) controlled substance use as prohibited above; (9) a substance abuse professional report of the successful completion of the return-to-duty process; (10) a negative return-to-duty test; and (11) an employer's report of completion of follow-up testing.

Confidentiality. Pursuant to DOT regulations, individual test results for applicants and drivers will be released to the district and will be kept confidential unless the tested individual consents to their release or release is required by law (such as the release of information to the Clearinghouse.) Any person who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

Retesting. An individual who tested positive for the presence of drugs may request that the original sample be retested. The request for a retest must be submitted in writing on a form provided by the district within 3 working days of the district's notification to the individual that he or she has a positive test result. The individual making the request must pay all costs associated with the retest and transfer of the sample to another laboratory before the retest will be performed.

Adopted: July 11, 2022
Revised: July 16, 2026
Revised:_____

4004

Employment of Relatives, Domestic Partners and Significant Others

It is in the school district's best interest to hire the best qualified candidate for employment. However, the district must use sound judgment in hiring and placing employees who are closely related, reside together as domestic partners, or are involved in close relationships for the following reasons: avoiding conflict of interest and the appearance of a conflict of interest; avoiding favoritism and the appearance of favoritism; promoting collegiality among employees; minimizing lost productivity; easing the task of managing employees; avoiding friction and conflict when marriages or relationships break down; and avoiding claims of sexual harassment.

For the purposes of this policy, the term "relative" refers to a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or "step" relation. "Domestic partner" refers to individuals who reside in the same household and are involved in a relationship, who may hold themselves out to the public as marital partners, but who are not legally married. "Significant others" refers to individuals who are dating or engaged to be married but may or may not reside together. This policy applies to all categories of employment including regular, temporary, and part-time classifications.

Generally, an employee's relative, domestic partner, or significant other should not be hired to work in the same department as the employee or in any other position in which the district believes a conflict or the appearance of a conflict may exist. Relatives, domestic partners, and significant others are permitted to work at the district provided one does not report directly to, supervise, or manage the other. The superintendent and/or board may make exceptions to this general rule.

Employees in a supervisory-subordinate relationship or employed in the same department who marry, become domestic partners, or become significant others while employed will be treated in accordance with these guidelines, and one of the employees will be transferred at the earliest practicable time. The transfer will be voluntary when possible. When a voluntary transfer is not possible, the superintendent will make the decision based upon the importance of each job, the needs of the district, and the availability of candidates to fill either position. The district shall endeavor to place the transferred employee in a position which is similar in terms of pay and benefits. The superintendent and/or board may make exceptions to this general rule.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4005

Communication Between the Board and District Employees

Employees have the same right to communicate with the board about matters of public concern as other patrons of the district. Regarding employment-related issues, employees must follow the applicable board policies and/or contractual procedures regarding the administrative chain of command, complaints, grievances and other applicable processes.

When appropriate, the superintendent shall inform employees of official board policies, directives, actions and concerns.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY PANTHERS

4006

Insurance

The school district shall provide workers' compensation insurance for the protection of the district and its employees, and such other insurance as the board deems appropriate or has agreed to provide pursuant to a contract or collective bargaining agreement.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4007

Personnel Records

The district shall maintain a personnel file regarding each employee. The personnel file may contain documents such as official reprimands, licenses, evaluations, applications, or transcripts. All materials in a personnel file, except for employment references and information that was gathered in the process of assessing an applicant for hiring, shall be available to the employee for review within a reasonable period of time of the employee's request. Employees (or individuals to whom employees have given written authorization) may inspect the contents of their personnel files only in the presence of an administrator or a person designated by the administration.

No person other than school officials engaged in their professional duties shall be granted access to employees' personnel files, and the contents of such files shall not be divulged in any manner to any unauthorized person. An attorney acting on behalf of the board of education or administration is deemed to be a school official.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4008

Outside Employment

1. An employee's responsibilities to the district take precedence over personal responsibilities during school hours. Employees may not engage in other employment business activity during assigned duty hours.
2. Tutoring
    a. Teachers are expected to assist students who are having learning problems as part of the teachers' employment. Such assistance is expected both in the classroom and at other times during the school day.
    b. A teacher shall not solicit a student or parent to retain the teacher as a tutor.
    c. In all other cases during the school year, a teacher may act as a tutor for pay or other remuneration.
3. Employees shall attend to personal matters outside their assigned duty hours with the district whenever possible.
4. Employees may conduct business on behalf of the district during assigned duty hours, but at times that do not disrupt or interfere with teaching responsibilities or student activities.
5. Employees shall not misrepresent, either expressly or by implication, that any activity, solicitation, or other endeavor is sponsored, sanctioned, or endorsed by the district.
6. In any written or verbal presentation by an employee that might be perceived as being sanctioned, sponsored, or endorsed by the district, other than district-related instruction or presentation to district students or personnel, the employee shall communicate to the audience or recipients that the views expressed are those of the employee and not necessarily those of the district or board.
7. Sale of goods or services by employees.
    a. Employees shall not sell, solicit or promote the sale of goods or services to students.
    b. Employees shall not sell, solicit or promote the sale of goods or services to parents of students when the employee's relationship with the district is used to influence any sale or may be reasonably perceived by parents as attempting to influence any sale.
    c. Employees with supervisory or managerial responsibilities shall not sell, solicit or promote the sale of goods or services to employees over whom they have such responsibilities in any manner that could reasonably be perceived as coercive by the subordinate employee(s).
    d. Employees shall not use employee, student, or parent directories in connection with the solicitation, sale, or promotion of goods or services and shall not provide any such directory to any person or entity for any purpose without the prior knowledge or approval of the building principal.
8. No school board member, administrator, teacher, or other employee shall use the personnel, facilities, resources, equipment, property, or funds of the district for personal financial gain or business activities.
9. All written or artistic works, instructional materials, inventions, procedures, ideas, innovations, systems, programs, or other work product created or developed by any

employee in the course and scope of performance of his or her employment duties on behalf of the district, whether published or not, shall be the exclusive property of the district; and the district has the sole right to sell, license, assign, or transfer any and all right, title, or interest in and to such property.

10. Staff may not exploit their professional relationships for personal gain.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4009

Restrictions on Employees Receiving Gratuities

An employee who, because of his or her employment by the school district, receives any bonus merchandise or gift with a value over $100.00 must disclose the receipt of such gift to the superintendent, who may then report that gift to the board. The superintendent, at his or her discretion, may require that the gift become the property of the district. No certified staff member may accept any gift which will impair the professional judgment of the recipient.

Employees are directed to discourage merchants from offering bonus paraphernalia in exchange for the school's patronage.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4010

Inclement Weather

Unless the superintendent or his/her designee directs otherwise, the following personnel shall report to work when school is canceled because of inclement weather: the Facilities Director and custodial/maintenance staff.

If school is canceled during the day because of inclement weather, classified and certified personnel not listed above may be released after students have been excused. Personnel who miss work due to inclement weather when school is in session will not be paid for time missed or can choose to use an applicable leave day.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4011

Employee Leave Under the Family and Medical Leave Act (FMLA)

The school district shall provide leave to its employees in accordance with the Family and Medical Leave Act ("FMLA"). The terms used herein shall have the meaning ascribed to them under the FMLA.

I. Qualifying for Leave

A. Qualified Employees

1. To be eligible for unpaid leave under this policy, an employee must:
    a. Make the request for leave at a time when the school district employs 50 or more workers;
    b. Have been working for the school district for at least 12 months prior to the request; and
    c. Have worked a minimum of 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
2. The applicable 12-month period for computing an employee's entitlement to FMLA leave shall be the "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

B. Qualified Circumstances Necessitating Leave

1. The school district will grant an eligible employee up to a total of 12 workweeks of ***unpaid*** leave under the following conditions:
    a. For birth of a son or daughter, and to care for the newborn child;
    b. For placement of a son or daughter with the employee for adoption or foster care;
    c. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
    d. Because of a serious health condition that makes the employee unable to perform the functions of his or her job; or
    e. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in National Guard, Reserves, and/or Regular Armed Forces in support of a contingency operation
2. The school district will grant an eligible employee who is the spouse, son, daughter, parent or next of kin of a Covered Servicemember a total of 26 workweeks of ***unpaid*** leave during a 12-month period to care for the service member as permitted under the FMLA. The leave described in this paragraph shall only be available during a single 12-month period.

    For purposes of this provision and this policy, "Covered Servicemember" includes both Military Members and covered Veterans, so long as the covered Veteran was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran.

3. During the single 12-month period described in paragraph I (B)(2), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs I(B)(1) and I(B)(2). Nothing in this paragraph shall

limit the availability of leave under paragraph I(B)(1) during any other 12-month period.

C. Limitations on Leave

1. Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.
2. In any case in which a husband and wife both employed by the school district are entitled to FMLA leave:
    a. The aggregate number of workweeks of FMLA leave to which both are entitled is limited to 12 during any 12-month period if such leave is taken (i) because of the birth of a son or daughter of the employee and in order to care for such son or daughter; (ii) because of the placement of a son or daughter with the employee for adoption or foster care; or (iii) to care for a sick parent who has a serious health condition; and
    b. The aggregate number of workweeks of FMLA leave to which both that husband and wife are entitled is limited to 26 during the single 12-month period in which leave is taken to care for a Covered Servicemember and the husband and wife employees are both either the son, daughter, parent, or next of kin of such Covered Servicemember, if the leave is taken for this reason or a combination of this reason and one of the three reasons described in paragraph I(C)(2)(a). If the leave taken by the husband and wife includes leave described in paragraph I(C)(2)(a), the limitation in paragraph I(C)(2)(a) shall apply to the leave described in I(C)(2)(a).

D. Qualifying Notice and Certification

Employees seeking to use FMLA leave will be required to provide:

1. 30-day advance notice when the need to take the leave is foreseeable; provided, if (a) the leave is for needed treatment which is required to begin in less than thirty days or (b) the leave is for the reason set forth in paragraph I(B)(1)(e), the employee shall provide such notice to the school district as is reasonable and practical;
2. Medical certification supporting the need for leave due to a Serious Health Condition affecting the employee or family member or to care for a Military Member, and/or due to a Serious Injury or Illness to care for a Veteran;
3. Second or third medical opinions and periodic re-certifications (at the school district's expense);
4. Certification supporting the need for leave because of a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in the National Guard, Reserves, and/or Regular Armed Forces in support of a contingency operation;
5. Certification supporting the need for leave to care for a Veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran, and who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness; and
6. Periodic reports during leave, at a frequency reasonably requested by the superintendent, regarding the employee's status and intent to return to work.

E. Scheduling Leave

When leave is needed to care for a family member, for the employee's own illness, or to care for a Covered Servicemember, and such leave is foreseeable based on planned medical treatment, the employee must attempt to schedule treatment so as not to unduly disrupt the school district's operations.

II. Relationship with District During Leave

A. Leave to be Unpaid

All leave provided to employees under the provisions of the FMLA and this policy shall be unpaid leave.

B. Substitution of Paid Leave

1. The school district requires employees to substitute any accrued paid vacation leave, paid personal leave, paid family leave, paid medical leave or paid sick leave for FMLA leave. However, nothing in this policy shall require the school district to provide paid sick or medical leave in any situation in which the school district would not normally provide such paid leave.
2. If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the number of workweeks of FMLA leave to which the employee is entitled.
3. Any paid leave which is substituted for FMLA leave will be subtracted from the number of workweeks of unpaid leave provided by the FMLA and this policy.

C. Group Health Plan Benefits

1. The school district will continue group health plan benefits on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period.
2. Any share of health plan premiums which have been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period.

D. Intermittent or Reduced-Schedule Leave

1. Leave may be taken under this policy intermittently or on a reduced-leave schedule under certain circumstances.
    a. When leave is taken because of a birth or because of a placement of a child for adoption or foster care, an eligible employee may take leave intermittently or on a reduced-leave schedule only with the agreement of the school district. In such a case, the superintendent shall have the authority to approve or disapprove such intermittent or reduced leave schedule, in the superintendent’s sole discretion.
    b. When leave is taken to care for a sick family member, for an employee's own serious health condition, or to care for a covered Veteran or Military Member, an eligible employee may take leave intermittently or on a reduced-leave schedule when medically necessary.
    c. When leave is taken by an eligible employee because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in National Guard, Reserves, and/or Regular Armed Forces in

support of a contingency operation, the employee may take leave intermittently or on a reduced-leave schedule.

d. When leave is taken by an eligible employee to care for a Covered Servicemember, including a Veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran, and who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness.
e. Intermittent or reduced leave shall not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken.
f. When an instructional employee seeks to take intermittent leave in connection with a family or personal illness (e.g. physical therapy or periodic care for a sick relative) or to care for a covered Veteran or Military Member, and when such leave would constitute at least 20 percent of the total number of working days in the period during which the leave would extend, the school district may require the employee to elect to take leave in a block, instead of intermittently, for the entire period or to transfer to an available alternative position within the school system that is equivalent in pay, for which the employee is qualified, and which better accommodates the intermittent leave.

2. If an eligible employee requests intermittent leave or leave on a reduced-leave schedule that is foreseeable based on planned medical treatment, including during a period of recovery from a serious health condition, the school district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Such alternative position must have equivalent pay and benefits as the employee's permanent position.
3. Leave taken on an intermittent or reduced-schedule basis will be tracked hourly.

III. Return from Leave

A. Restoration to Position

1. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
2. Any leave taken under this policy will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.
3. An eligible employee is not entitled to accrual of any seniority or employment benefits during any period of leave, or any right, benefit, or position of employment other than to which the employee would have been entitled had the employee not taken leave.

B. Denial of Restoration

1. The school district reserves the right to deny restoration to any eligible employee who is a "key employee" (that is an employee who is salaried and among the highest paid 10% of the employees of the school district) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district.
2. If the school district intends to deny restoration to such an employee, it will:

a. notify the employee of his/her status as a "key employee" in response to the employee's notice of intent to take FMLA leave;
b. notify the employee as soon as the school district decides it will deny job restoration and explain the reasons for this decision;
c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

C. Failure to Return from Leave

If an employee fails to return from FMLA leave after the period of leave to which the employee is entitled has expired, the employee shall reimburse the district for any premiums the employer paid for maintaining health insurance coverage for the employee during the employee's FMLA leave unless the reason the employee does not return is due to: (1) the continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the district with sufficient certification from the proper health care provider of such continuation, recurrence, or onset of the serious health condition or (2) other circumstances beyond the employee's control.

IV. Notice to Employees

A. The school district will post in conspicuous places where employees are employed notices explaining the FMLA and providing information concerning the procedures for filing complaints of FMLA violations with the U.S. Wage and Hour Division.

B. To the extent that any provision in this policy is in any manner inconsistent with the provisions of the Act or the regulations promulgated thereunder, the Act and regulations shall prevail over the provisions of this policy. The school district reserves the right to modify this policy from time to time in its sole discretion.

C. Employees may direct any questions or concerns regarding FMLA leave to the superintendent.

Adopted: July 11, 2022
Revised: June 10, 2024
Reviewed: _____

4012

Staff Internet and Computer Use

Internet access is an important tool for communicating, keeping up-to-date with current developments in education, and for conducting research to enhance management, teaching and learning skills. The following procedures and guidelines are intended to ensure appropriate use of the Internet at the school by the district's faculty and staff. Staff should also refer to the district's policy on Staff and District Social Media Use.

I. Staff Expectations in use of the Internet

Acceptable Use While on Duty or on School Property.

Staff shall be restricted to use the Internet to conduct research for instructional purposes.

Staff may use the Internet for school-related e-mail communication with fellow educators, students, parents, and patrons.

Staff may use the Internet in any other way which serves a legitimate educational purpose and that is consistent with district policy and good professional judgment.

Teachers should integrate the use of electronic resources into the classroom. As the quality and integrity of content on the Internet is not guaranteed, teachers must examine the source of the information and provide guidance to students on evaluating the quality of information they may encounter on the Internet.

Unacceptable Use While on Duty or on School Property.

Staff shall not access obscene or pornographic material.

Staff shall not engage in any illegal activities on school computers, including the downloading and reproduction of copyrighted materials.

Staff shall not use school computers or district internet access to use peer-to-peer sharing systems such as BitTorrent or participate in any activity which interferes with the staff member's ability to perform their assigned duties.

Staff shall not share their passwords with anyone, including students, volunteers or fellow employees.

II. School Affiliated Websites

Staff must obtain the permission of the administration prior to creating or publishing any school-affiliated web page which represents itself to be school-related, or which could be reasonably understood to be school-related. This includes any website

which identifies the school district by name or which uses the school's mascot name or image.

Staff must provide administrators with the username and password for all school-affiliated web pages and must only publish content appropriate for the school setting. Staff must also comply with all board policies in their school-affiliated websites and must comply with the board's policy on professional boundaries between staff and students at all times and in all contexts.

Publication of student work or personality-identifiable student information on the Internet may violate the Federal Education Records Privacy Act. Staff must obtain the consent of their building principal or the superintendent prior to posting any student-related information on the Internet.

III. Enforcement

Methods of Enforcement. The district owns the computer system and monitors e-mail and Internet communications, Internet usage, and patterns of Internet usage. Staff members have no right of privacy in any electronic communications or files, which are stored or accessed on or using school property and these are subject to search and inspection at any time.

The district uses a technology protection measure that blocks access to some sites that are not in accordance with the district's policy. Standard use of the Internet utilizes a proxy server-based filter that screens for non-curriculum related pages.

Due to the nature of technology, the filter may sometimes block pages that are appropriate for staff research. The system administrator may override the technology protection measures that blocks or filters Internet access for staff access to a site with legitimate educational value that is wrongly blocked.

The district will monitor staff use of the Internet by monitoring Internet use history to ensure enforcement of this policy.

Any violation of school policy and rules may result in that staff member facing:

- Discharge from employment or such other discipline as the administration and/or the board deem appropriate;
- The filing of a complaint with the Commissioner of Education alleging unprofessional conduct by a certified staff member;
- When appropriate, the involvement of law enforcement agencies in investigating and prosecuting wrongdoing.

IV. Off-Duty Personal Use

School employees may use the internet, school computers, and other school technology while not on duty for personal use as long as such use is (1) consistent

with other district policies, (2) consistent with the provisions of ARSD 24:08, and (3) is reported as compensation in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid. All of the provisions of ARSD 24:08 will apply to non-certificated staff for the purposes of this policy. In addition, employees may not use the school's internet, computers, or other technology to access obscene or pornographic material, sext, or engage in any illegal activities.

V. Device Insurance

Staff are offered insurance for device coverage in the event of fire, loss, or theft. Staff are not required to purchase insurance. In the event of fire, loss or theft, staff may be responsible for the replacement cost of the device.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

4014

Military Leave

Upon receipt of the required notice, the Superintendent or Designee shall grant leave to employees for voluntary or involuntary service in the uniformed services of the United States.

Entitlement to Position. The District will maintain these employees as required by law and/or collective bargaining agreements. The District will reinstate a service member who returns to the District to the same or similar position and at the same rate of pay unless otherwise provided by law.

Seniority. Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

Requests and Notice. All requests for military leave will be submitted to the Superintendent or Designee. The District may request documentation showing the necessity for the leave request. The employee may choose to use accrued vacation leave in conjunction with leave under this policy.

Unless otherwise impossible, all requests for military leave will be submitted at least one full month in advance of the date military service is to begin. Persons returning from military leave must also give notice of intent to return to the Superintendent/Designee in writing, at least one full month in advance of the return date.

Coaching/Sponsoring Activities: Staff members and non/staff coaches/sponsors who are on military leave will not coach or sponsor any activity while on military leave. All electronic devices and keys/fobs must be turned in to administration for substitutes to use for the duration of military leave.

Adopted: July 11, 2022
Revised: August 12, 2024
Reviewed:_____

4015

Prohibition Against Employment of Board Members

South Dakota law prohibits board members from serving as a teacher, including substitute teachers.

The board will allow a member of the board of education to be employed by the school district in a non-teaching capacity. Board members who are also employed by the district are strictly prohibited from discussing any issue with students, staff or parents in their capacity as an employee that may come before the board.

This policy does not prohibit the board from contracting with members of the board for services or products when the relationship is not one of employer/employee and such contracts are in compliance with the requirements of statute and board policy regarding conflicts of interest.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY
PANTHERS

4016

Jury Duty/Service as Witness in Court

An employee who has been called to serve as a juror will be entitled to the same job status, pay, and seniority upon returning from jury duty. Employees may be granted paid leave. Documentation may be requested.

Any portion of this policy in conflict with a provision in a negotiated agreement will yield in favor of the negotiated agreement.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4017

Relations with Employee Collective Bargaining Associations

The board of education recognizes the right of staff members to belong to organizations for bargaining purposes pursuant to state statutes. The board will negotiate with employee associations that have been established in accordance with public employee bargaining statutes and will negotiate with local collective bargaining unit representatives at mutually agreeable times.

To facilitate an amicable relationship between the district and any local employee associations, the district will allow associations to make reasonable use of district facilities for meetings outside the school's and the employees' work hours. With administrative approval, associations may use district resources, post notices of meetings and other information on bulletin boards designated for this purpose and use district e-mail and mailboxes for delivery of employment-related information. Associations must pay for all supplies used, damage caused, or the loss or theft of borrowed property.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4018

Corporal Punishment

Corporal punishment, defined as any act of physical force upon a student for the purpose of punishing that student, is prohibited.

Some physical contact is inevitable, and most of it is appropriate. Therefore, physical contact, short of corporal punishment, is acceptable to promote personal interaction with students, to maintain order and control, and to protect persons and property.

Employees may use physical force only where reasonable and necessary for supervisory control over students. Situations where physical force may be reasonable and necessary include:

- self-defense;
- protecting others from physical injury;
- protecting property of the district or others;
- removing a student who has refused to comply with requests to refrain from disruptive behavior.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4020

Ownership of Copyrighted Works

Works created by district employees in the course and scope of their employment remain the property of the district. The board may enter into a written agreement with a staff member allowing the staff member to share ownership of a copyright in the covered work. The board will only enter into such an agreement if the written work was created apart from, and in addition to, what the district requires and if the district will not incur an expense to replace the work.

The board hereby expressly grants to other educational entities located within South Dakota a non-exclusive license to use the district's copyrighted works for educational purposes within South Dakota when those works have been placed onto collaborative learning systems within the State.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4022

Certification and Endorsements

All educators must be duly certified by the South Dakota Department of Education in accordance with the Department's rules and the laws of South Dakota. Prior to signing a teaching contract, educators are responsible for ensuring their teaching certificates remain in effect.

Certified employees are required to maintain all their endorsements and may not permit any endorsement to lapse or remove it from their certificates. The board or superintendent may require a certified employee to obtain a new endorsement when it is deemed necessary for the benefit of the school district and/or to comply with federal or state requirements.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4023

Professional Ethics

Chapter 24 of the South Dakota Administrative Code regarding Professional Teacher Ethics are the minimum standards for all certificated staff members of the school district. All certified employees are responsible for reading, understanding, and complying with these standards.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4024

Teachers' Rights, Responsibilities and Duties

All certified employees shall assume the duties and responsibilities assigned by the superintendent or designee. Teachers' professional responsibilities involve considerably more than merely classroom instruction. They include, but are not limited to, study and research to keep abreast of new knowledge and instructional techniques; assessment of students' work; record-keeping; lesson planning and preparation; conferences with students, parents and administrators; in- service meetings; and supervision of pupils outside the classroom.

Teachers must be in their classrooms or assigned areas as instructed by the building principal. All duty time is necessary for educational planning, preparation, and conferences with students, parents and faculty members.

All teachers must maintain a standard of dress, personal appearance, general decorum, moral standards and behavior that reflects their professional status in the community.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4025

Superintendent

The superintendent is hired by and shall report directly to the board of education. The superintendent will be the chief administrative officer of the board of education and shall keep the board informed on important issues. The board delegates to the superintendent the general power and authority to make necessary decisions to ensure the efficient and effective operations of the school.

The superintendent, in conjunction with the business manager, is charged with timely preparing, presenting, and filing an annual school budget and report, subject to the approval of the board at the annual budget hearing.

All school employees shall be under the direct and/or delegated supervision of the superintendent. He or she shall review all certified and non- certified employees applying for vacancies and shall make recommendations regarding these employees.

All of the grounds and buildings are supervised by the superintendent, or his/her designee, including necessary repairs and improvements unless the board is required to approve such repairs or improvements.

The superintendent's other duties shall be included in his or her job description, contract, or as otherwise assigned by the board.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4026

Business Manager

The board will employ a business manager who may be authorized to make all purchases for the school board, in compliance with state law and within the budget approved by the board.

Other duties of the business manager include:

- Recording and the safekeeping of the board meeting minutes;
- Publishing proceedings of the board consistent with laws regarding the publication of board minutes;
- Preparing a detailed account of all board business and periodic and annual reports of the receipts and expenditures of the district;
- Issuing of all warrants for the payment of verified bills, salaries, and contracts of the District;
- Assuming responsibility for the conduct of school elections;
- Performing such other duties as the board may require and as required by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4028

Substitute Teachers

The Superintendent will maintain a list of potential substitute teachers who may be called by a substitute coordinator to fill an absence. The District does not require certification for substitutes.

Substitute Procedures. If a staff member requires an immediate substitute:

- the staff member will call the business office and leave a request for a substitute;
- The substitute coordinator will notify, by email, the staff member's building principal and/or supervisor, and school office secretary of the staff member's absence and assigned substitute teacher.

If a staff member knows they will be absent:

- The staff member is required to complete a request for leave on the district's system;
- The staff member's building principal or supervisor may approve or reject the request;
- Upon approval, the substitute coordinator will secure a substitute teacher for the requested date of leave. The substitute coordinator will notify the staff member, the staff member's building principal and/or supervisor, and the school office secretary of the assigned substitute teacher.

The substitute coordinator will attempt to secure a substitute who is certified in the subject area and grade level. If unpractical, the substitute coordinator will secure the best available substitute. Building principals may require staff members to secure their own substitute.

Teachers will have pertinent written lesson plans available so that a substitute can perform his/her duties in relation to the instructional program in an educational environment beneficial to the students.

Substitute Compensation. Substitute teachers shall be reimbursed at rate based on qualification as a certified or uncertified substitute teacher; and, commensurate to a progressive pay scale to be determined by the board on an annual basis.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

4030

Evaluation of Certified Employees

All certified employees to be evaluated shall be notified annually of the evaluation process. A certified administrator, with the exception of the local board of education when it is evaluating the superintendent, will observe and evaluate each certified employee who is not yet in their fourth contract year once each year. A certified administrator will observe and evaluate certified teachers in their fourth contract year or beyond, not less than every other year.

The evaluation will include, but not be limited to evaluating the employee's instructional performance, classroom organization and management, personal conduct, and professional conduct. The evaluation shall note any major deficiencies and shall provide suggestions for improvement.

Evaluation Standards. The District will use the minimum evaluation standards aligned with the Danielson framework as required by the South Dakota Department of Education. These standards:

- require teachers to be evaluated using multiple measures;
- serve as the basis for programs to increase professional growth and development of certified teachers; and
- include a plan of assistance for any certified teacher, who is in the fourth or subsequent year of teaching, and whose performance does not meet the school district's performance standards. The District may, but is not required to, include plans of assistance for certified teachers not yet in their fourth year of teaching.

The evaluation will be written and discussed with the certified employee and signed and dated by both the evaluator and the employee. The teacher's signature only denotes receipt of the written evaluation, not their approval of the evaluation.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed: _____

4031

Evaluation of Administrators

All principals to be evaluated shall be notified annually in writing of the evaluation process. The superintendent will observe and evaluate each principal once a year.

Principals will be evaluated with an evaluation tool aligned to the South Dakota Framework for Effective Principals. Evaluations will include an analysis of at least one component from each domain.

These domains are:

1. Vision and Goals
2. Instructional Leadership
3. School Operations & Resources
4. School, Student and Staff Safety
5. School and Community Relationships
6. Ethical and Cultural Leadership

The evaluation will be written and discussed with the principal and signed and dated by both the principal and the superintendent. The principal's signature only denotes receipt of the written evaluation, not approval of the evaluation.

Other Directors/Supervisors. Directors and supervisors who are not principals will be evaluated at least once per year with an evaluation tool aimed at improving the duties specific to the director/supervisor position. Either the superintendent or a building principal will perform the evaluation.

The principal or superintendent will provide the employee with a written list of deficiencies, suggestions and a timeline for correcting the deficiencies and improving performance, and sufficient time to improve. The employee and superintendent/principal will sign the written evaluation. The employee's signature only denotes receipt of the written evaluation, not approval of the evaluation. The District will maintain all evaluations in the employee's personnel file.

Individual Holding Multiple Appointments. An individual serving in multiple capacities, such as superintendent and principal, may be evaluated either using the framework in this policy or through a district established framework for their other capacity. The District may also evaluate the individual through both their capacities.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4034

Staff Handbook

The superintendent or designee shall annually formulate, review and revise a staff handbook that will contain information about the district's employment policies and practices. The staff handbook is an extension of these policies and has the force and effect of board policy when approved by the board of education.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4039

Employment of Classified Staff

The superintendent or designee shall recommend for hire classified staff to meet personnel needs consistent with the district's budget, instructional needs, and non-instructional operations.

Criminal Background Checks for Drivers. The superintendent or designee shall obtain a criminal history record that includes information from the State Patrol for all individuals that are to be employed as pupil transportation vehicle drivers (except certified South Dakota school administrators or teachers) and keep a copy of that record on file and shall update it during the calendar year that coincides with the expiration of the driver's motor vehicle operator's license.

Background Checks for Other Classified Staff. The superintendent or designee will conduct a criminal background check on any classified staff applicant prior to hiring that applicant. Criminal history or background checks shall occur only after the school district has determined that the applicant meets the minimum employment qualifications. This policy shall not prevent the school district from requiring an applicant to disclose his or her criminal record or history relating to sexual or physical abuse prior to any minimum employment qualification determination.

The superintendent or designee shall discipline and recommend for discharge classified staff as appropriate.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4040

Criminal History Record Information (CHRI)

Fingerprint Based Background Checks Made for Non-Criminal Justice Purposes

Definitions

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

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

Policy Statement

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

In accordance with law and to protect the district's students, criminal background checks on persons who are employed in the district, who volunteers during the school year, or are employed by an entity which provides the District with student services

may be required. Examples of non-school entities which provide student services include but are not limited to food service and bus service contractors. The criminal background investigation shall be done by means of fingerprint checks by the SD DCI. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the SD DCI to the FBI for a national criminal history record check. The district and district employees will comply with state and federal law, rules, procedures and policies regarding the receipt, use and dissemination of criminal history record information of any individual.

This policy is applicable to any fingerprint-based state and national criminal history record checks made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorized such checks for school employment under SDCL 13-10-12. Where such checks are allowable by law, the following practices and procedures will be followed.

I. Access to CHRI

All CHRI is subject to strict state and federal rules and regulations. CHRI is used only for the official purpose for which it was requested, and CHRI cannot be shared with other entities for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the SD DCI and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Furthermore, an entity can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

Each person over eighteen years of age hired by the district, who is a volunteer or is employed by an entity which provides the District with student services may be required to submit to a criminal background investigation in accordance with SDCL 13-10-12 for school employment purposes.

Background Check Procedures

When applicable, the following steps will be taken:

1. The District shall provide applicants with the FBI Privacy Statement outlining the authority for collecting the applicant's information, that the applicant's fingerprints will be used to check the national criminal history records of the FBI and how that information will be used, retained and shared.
2. The school district shall transmit completed fingerprints to the SD DCI before the prospective new employee or volunteer enters into service.
3. The prospective employee whose employment with the District is subject to the

requirements of this section may be required to pay any fees charged for the cost of fingerprinting or the criminal background investigation.

4. The District may pay any fees charged for the cost of fingerprinting or the criminal background investigation for their status as a volunteer is subject to the requirements of this section.
5. Any person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school district is not required to submit to a criminal background investigation.
6. Any person whose employment or status as a volunteer is subject to the requirements of this section may enter into service on a temporary basis pending receipt of results of the criminal background investigation. The District may, without liability, withdraw its offer of employment or terminate the temporary employment or status as a volunteer without notice if the report reveals a disqualifying record.
7. The District may run a background check on employees of contractors that provide the District with student services. Examples of contractors which provide student services include but are not limited to food service and bus service contractors. The contractor shall be responsible for the cost of the criminal background check.
    a. If the District runs a background check on employees of a contractor that does business with the district, the district will not provide the CHRI to the contractor. Instead, the district will provide a clearance letter notifying the contractor whether the employee is cleared to provide services in the district.

The criminal investigation required by this section with respect to a student teacher completing requirements for teacher certification shall be conducted by the District, and the District may rely upon the results of that investigation for employment of that person as an employee of the district.

II. Adverse Decisions Based on CHRI

No person may be employed by the District, either directly or by contract, and no person employed by a contract provider and who would have direct student responsibilities may provide direct student services, if the person has been convicted of a crime of violence (murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact, felony child abuse, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device), sex crimes (including but are not limited to, rape, felony sexual contact with a minor under sixteen, sexual contact with a person incapable of

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

a. The District may also refuse to employ a person who has been convicted of a crime involving moral turpitude. "Moral turpitude" is defined "an act done contrary to justice, honesty, principle, or good morals, as well as an act of baseness, vileness, or depravity in the private and social duties which a person owes to his fellow man or to society in general.
b. The District may consider any criminal conviction in making a hiring decision. The District has the sole and absolute discretion to determine whether the results of a criminal background investigation disqualify a person from employment within the District.
c. For purposes of this policy, the term conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere (no contest) in this state or any other state.

Should an applicant be disqualified from employment due to the results of a criminal background check, the District shall inform the applicant that the criminal background check results prohibit the District from employing the person. The District will not delay the employment hiring decision solely because the applicant seeks to correct his or her FBI criminal history record information (CHRI).

Before a person's conditional employment is terminated as a result of the person's CHRI, the District shall inform the person whose conditional employment is subject to termination that the criminal background report reveals a conviction which prohibits the District from employing the person and inform the person of his or her right to appeal the accuracy or completeness of the CHRI to the SD DCI or FBI. Employees shall be afforded procedural due process consistent with their employment status (i.e., whether the person is an employee-at-will, a school-year employee, or a ten month or twelve-month employee) should termination of conditional employment be a possibility following the District's receipt of the CHRI. A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time to correct or complete the CHRI. The applicant has 30 days to provide evidence of errors or omissions related to the background check.

Upon request the district will provide a copy of the CHRI to the person who is the subject of the background check for challenging purposes upon providing a valid photo identification. The CHRI will only be released to the individual and not to relatives, spouses or friends. The District will note in the dissemination log that a copy was provided to the individual.

All employees and other persons required to submit to a criminal background check pursuant to this policy must notify the district in writing if they are convicted of any offense of domestic violence, child abuse, sex offense, drug (including marijuana) or any felony offense. This notification must be made as soon as possible, but no later than five business days after the event.

The District reserves the right to require any employee or volunteer to submit to additional criminal background checks at the district's expense. The district reserves the right to require any employee of an entity which provides the District with student services to submit to additional criminal background checks which shall be at the entity's or person's expense.

As required by state law, SDCL 13-10-15, if, as the result of a criminal conviction the school board suspends an employee without pay, or an employee resigns, or an employee is terminated, the superintendent shall within ten days of the date of the suspension or the date the employment is severed report the circumstances and the name of the employee to the S.D. Department of Education.

III. Designations

The Superintendent, as the Agency Head, is responsible for signing the SD Division of Criminal Investigation (SDDCI) User Agreement on behalf of the District alongside the designated Non-Criminal Agency Coordinator (NAC) and Local Agency Security Officer (LASO).

The District's designated NAC is responsible for the following:

a. Maintaining an authorized personnel list on file with the SD DCI
    i. Ensuring everyone included on this list must undergo the appropriate level of CJIS Security Awareness Training
    ii. Ensuring everyone included on this list signs a Acknowledgement Statement of Misuse and the SD DCI Misuse Notification
b. Inform the SD DCI of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.)
    i. Contact the SD DCI immediately to update the User Agreement and, if necessary, submit the new authorization to the SD DCI
c. Complete a triennial audit conducted by the SD DCI

The District's designated LASO is responsible for the following:

i. Identifying who is using or accessing CHRI and/or systems with access to CHRI
ii. Ensuring that personnel security screening procedures are being followed as stated in this policy
iii. Ensuring the approved and appropriate security measures are in place and working as expected
iv. Terminating access to CHRI immediately upon notification of an individual's termination of employment
v. Reporting any incidents or misuse of CHRI to the SD DCI

IV. Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the District will review and become familiar with the educational and relevant training materials regarding CHRI laws and regulations made available by the appropriate agencies. The District will ensure that all employees who have access to CHRI complete Security Awareness Training provided by the SD DCI on an annual basis through CJIS Online. The District shall email dci.idbackgroundchecks@state.sd.us for more information or to get personnel set up with training as needed.

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

V. Storage of CHRI

Information received by the District pursuant to a criminal background check is confidential. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI security Policy, have been implemented to ensure the security and confidentiality of CHRI. Only authorized persons within the district may access, view or use CHRI. Authorized persons may not share or otherwise disclose information contained in CHRI to unauthorized persons. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards. Each individual involved in the handling of CHRI will strictly adhere to the policy on the storage and destruction of CHRI.

VI. Media/Physical Protection

All media containing CHRI is to be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling,

transporting, and storing of CHRI media in all its forms.

Physical Storage and Access

Physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Physical CHRI media:

- Is to be stored within employee records when feasible or by itself when necessary
- Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, vault, or other secure container.

Based on guidance from SD DCI, the District will not routinely maintain electronic copies of CHRI; however, in the rare instance where the district has electronic copies of CHRI, the district will restrict access to authorized persons only. Electronic data will be protected with encryption as designated by the state or federal government or will only be accessible by individual password. Computers, printers and monitors used to access CHRI must be situated to prevent unauthorized viewing of the information. CHRI cannot be accessed using computers available to the general public or personal devices. CHRI will not be stored on a server that is unprotected or accessible by an unauthorized entity.

CHRI will not be relocated, transmitted or transported outside a secure location unless encrypted according to FBI standards or transported in a locked container or in folders where the information is not visible to the public. A log must be kept if electronic information systems, such as a laptop, flash drive or CD with CHRI information on it, leaves a secured area.

VII. Retention and Destruction of CHRI

Retention

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes only:

- Historical reference and/or comparison with future CHRI requests
- Dispute of the accuracy of the record

Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in:

- Hard copy form in personnel files located in the locked filing cabinet located in the locked filing room
- CHRI will be retained for a minimum of five (5) years. At the end of this term, the CHRI will be disposed of according to the Disposal of Physical Media policy

Disposal of Physical Media

Once physical CHRI media (paper/hard copies) is determined to be no longer needed after a minimum of 5 years by the District, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding, cross-cut shredding, or incineration. The District will ensure such destruction is witnessed or carried out by authorized personnel.

VIII. Incident Response

The security of CHRI is a top priority for the District. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents which pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security

incidents to minimize any breach of security or loss of information. The following security incident handling procedures must be followed by each individual:

- All incidents will be reported directly to the District LASO
- If any records were stolen, the incident will also be reported to appropriate authorities
- Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with the disciplinary policy.

In addition to the above, the LASO shall report all security-related incidents to the SD DCI within 24 hours and submit an incident response form.

All agency personnel with access to FBI and/or SD DCI CHRI have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information. All existing laws and District regulations and policies apply, including those that may apply to personal conduct. Misuse or failure to secure any information resources may result in temporary or permanent restriction of all privileges up to employment termination.

IX. Disciplinary

Using CHRI for any purpose other than what is allowed by state statute is considered misuse. Employees who fail to keep background check results confidential or fail to follow this policy or any laws or rules regarding the access, receipt, use or dissemination of CHRI as required by law will be subject to disciplinary action up to and including termination.

Unauthorized requests, receipts, release, interception, dissemination or discussion of CHRI may also result in criminal prosecution.

Adopted: August 12, 2024
Revised: June 9, 2025
Reviewed: _____

4041

Staff Dress and Appearance

The attire worn by staff members conveys an important image to students and the general public. The appearance of professional staff members shall be appropriate to their assigned duties and indicative of their professional standing in the school and community.

I. Staff Expectations in Dress and Appearance

A. General Expectations in Dress and Appearance

1. Certified staff, paraeducators, and office staff should generally dress in business casual attire that is clean and professional.

2. Custodial, maintenance, and transportation staff should dress in attire appropriate to the work they are performing.

B. Unacceptable Forms of Dress and Appearance

1. The following are examples of unprofessional attire which should not be worn by classroom staff during the traditional school day, when students or visitors are in attendance, or when the employee is supervising, directing, or coaching students when the public is in attendance:
    - For men: shirts without collars, unless the shirt can be deemed professional by other standards.
    - Athletic wear, including sweat, jogging and wind suits, except when teaching a physical education activity in the gymnasium, on a playing field, or at athletic or other activity practices.
    - Shorts, except when teaching physical education class or at athletic or other activity practices.
    - Blue jeans, except at athletic or other activity practices, or on days considered to be "dress down" days.
    - Hats, except when worn outside for sun coverage.
    - Rubber soled 'flip flop' thong sandals.
    - Any attire which is excessively wrinkled or torn, so that it is no longer neat and professional.
    - Any attire which is immodest or may distract other employees or students in the learning environment.

II. Enforcement

The superintendent or principal shall maintain the discretion to make determinations on staff dress and appearance. Administrators may temporarily suspend all or a portion of the dress code when other factors support a lower dress expectation for school employees (e.g., special "casual days" or field days). Any violation of school policy and rules may result in disciplinary action.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY PANTHERS

4042

Employee Social Security Numbers

This district shall take reasonable steps to protect the confidentiality of employees' social security numbers. However, nothing in this policy prohibits the district from using the last four digits of an employee's social security number as an employee identification number or in any other reasonable manner.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4043

Professional Boundaries Between Employees and Students

School district employees are responsible for conducting themselves professionally and for teaching and modeling high standards of behavior and civic values, both at and away from school. Employees are required to establish and maintain professional boundaries with students. They may be friendly with students, but they are the students' teachers, not their friends, and they must take care to see that this line does not become blurred. This applies to employees' conduct and interactions with students and to material they post on personal web sites and other social networking sites including, but not limited to, Instagram, Facebook, and Twitter. The posting or publication of messages or pictures or other images that diminish an employee's professionalism or ability to maintain the respect of students and parents may impair his or her ability to be an effective employee. Employees are expected to behave at all times in a manner supportive of the best interests of students.

Unless an employee has a legitimate educational purpose, the following behavior is a violation of the professional boundaries that employees are expected to maintain with students. The following list is intended to illustrate inappropriate behavior involving students but not to describe every kind of prohibited behavior.

- Communicating about sex when the discussion is not required by a specific aspect of the curriculum.
- Joking about matters involving sex, using double entendre or making suggestive remarks of a sexual nature.
- Displaying sexually inappropriate material or objects.
- Making any sexual advance, whether written, verbal, or physical or engaging in any activity of a sexual or romantic nature.
- Kissing of any kind.
- Dating a student or a former student within one year of the student graduating or otherwise leaving the district.
- Intruding on a student's personal space (e.g. by touching unnecessarily, moving too close, staring at a portion of the student's body, or engaging in other behavior that makes the student uncomfortable).
- Initiating unwanted physical contact with a student.
- Communicating electronically (e.g. by e-mail, text messaging, or through social media) on a matter that does not pertain to school. Electronic communications with students generally are to be sent simultaneously to multiple recipients and not just to one student except when the communication is clearly school related and inappropriate for persons other than the individual student to receive (i.e. grades).
- Playing favorites or permitting a specific student to engage in conduct that is not tolerated from other students.
- Discussing the employee's personal issues or problems that should normally be discussed with adults.
- Giving a student a gift of a personal nature.
- Giving a student a ride in the employee's vehicle without first obtaining the express permission of the student's parents or a school administrator.
- Taking a student on an outing without first obtaining the express permission of

the student's parents or a school administrator.
- Inviting a student to the employee's residence without first obtaining the express permission of the student's parents and a school administrator.
- Going to a student's home when the student's parent or a proper chaperone is not present.
- Repeatedly seeking to be alone with a student.
- Being alone in a room with an individual student at school with the door closed.
- Any after-school hours activity with only one student.
- Any other behavior which exploits the special position of trust and authority between an employee and student.

This list is not exhaustive. Any behavior which exploits a student is unacceptable. If in doubt, ask yourself, "Would I be doing this if my family or colleagues were standing next to me?"

An employee is required to make a report to the superintendent if the employee reasonably believes that another employee has violated or may have violated this policy. Minor concerns or violations shall be reported within 24 hours. Major concerns or violations shall be reported immediately. Violations committed by or concerns about the superintendent shall be reported to the President of the Board of Education.

A student who feels his or her boundaries have been violated should directly inform the offender that the conduct or communication is offensive and must stop. If the student does not wish to communicate directly with the offender or if direct communication has been ineffective, the student should report the conduct or communication to a teacher, administrator, counselor, the Title IX coordinator, or other school employee with whom she or he feels comfortable.

Retaliation for good faith reports or complaints made as a result of this policy is prohibited. Individuals who knowingly and intentionally make a false report shall be subject to discipline as provided by district policy and state law.

A violation of this policy will form the basis for employee discipline up to and including termination or cancellation of employment, filing a report with law enforcement officials, and filing a report with the Department of Education.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4044

Political Activity by Staff Members

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities.

Running for Political Office. An employee of the District may seek an elective office, provided that the staff member does not campaign on school property during working hours and provided they do not neglect their duty to the District.

Any employee wishing to run for elective public office will notify the Superintendent as soon as possible of their intent to campaign for office. The Superintendent will present the employee's wishes to the Board and the Board will determine whether the employee's proposed activities are possible without neglecting his or her duty to the District.

The following activities are prohibited during an employee's work time (including duty-free lunch and planning periods):

1. Soliciting votes or contributions for or against a particular candidate or ballot proposition.

2. Discussing with students opinions regarding a political candidate or ballot proposition unless the topic is part of the approved curriculum.

3. Preparing, displaying, wearing or distributing campaign literature, materials, or signs for or against a candidate or ballot proposition (this prohibition does not apply to bumper stickers on personal vehicles).

4. Soliciting volunteers to assist with a campaign for or against a political candidate or ballot proposition.

5. Preparing for, organizing, or participating in any political meeting, petition, rally, or event.

6. Other disruptive political activity as allowed under law.

The following activities are prohibited at all times:

1. Using any school district resources including, but not limited to, facsimile machines, copy machines, computers or e-mail accounts, for political campaign activities.

2. Using school district property or facilities for any political campaign activities, unless such use is approved pursuant to school board rules or policy.

3. Spending district funds to urge votes to vote for or against a candidate or ballot proposition.

4. Requiring employees to engage in political campaign activities as part of their job duties.

5. Providing employees with additional compensation or benefits for engaging in political activities.

6. Representing an employee's personal political position as the position of the school district or the board of education.

7. Engaging in any other activity prohibited by state law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4045

Milk Expression

Except as otherwise provided by law, the district will provide reasonable break time for an employee who wishes to breastfeed or express breast milk for her nursing child each time such employee has the need to do so. The District will provide a place, other than a bathroom, which is shielded from view and free from intrusion from co- workers and the public. These accommodations will be provided for one year after the child's birth, unless otherwise required by law.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed: _____

4046

Internet Searches Regarding Potential Employees

Members of the administrative team may conduct internet research about job applicants by using the following protocol, except that no criminal history record information check shall be made until the school district has determined that the applicant meets the minimum employment qualifications:

1. Administration may conduct internet searches using candidates' full names and any aliases. Administration may also search candidates' full names and any aliases on Facebook, Instagram, LinkedIn, Twitter, YouTube, and other social networking websites.

2. All applicants or all finalists must have the same research conducted about them. For example, if administration conducts a search on Google using the name of one applicant in order to determine whether to include that applicant in the list of finalists, administration must also conduct an identical search of all applicants' names.

3. Administration may not use deception to gain access to applicants' social networking pages, blogs, or other on-line media and will not require applicants for employment to provide the district with their username or password to personal social media accounts.

4. Administration must take reasonable steps to verify the reliability of the information obtained in the search, including consulting with the applicant for confirmation of accuracy, if appropriate.

5. Administration will consider the following information to be relevant in making hiring decisions about an applicant based on information obtained through internet research:

    a. Disparaging remarks made about current or former co-workers, supervisors, or employers;
    b. Discriminatory, harassing, or demeaning behavior or comments;
    c. Unprofessional, lewd, or obscene behavior or remarks;
    d. Criminal activity;
    e. Information which indicates the applicant will or will not be able to perform the essential functions of the position sought; and
    f. Information which indicates that the applicant is particularly suited or unsuited to the position sought.

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Reviewed: _____

4048

Assessment Administration and Security

The purpose of all testing and assessments is to measure students' knowledge, skills or abilities in the area tested. All staff members are prohibited from engaging in any behavior that adversely affects the validity of test scores as a measure of student achievement. This policy applies to all national, state, and local assessments, including both standardized and general classroom assessments.

Assessment Responsibilities. The Superintendent, in consultation with building principals and classroom teachers, will be responsible for:

- overseeing the scheduling of state administered assessments, training all staff who administer assessments, and ensuring that all assessments, including make-up testing, is completed within required testing windows;
- designing procedures that result in accurate data relating to student progress under district and state accountability systems.
- sharing results of state assessments with the Board, so the Board can use accurate and up-to-date data in district decision making.

Every classroom teacher or other staff member who administers assessments is responsible for:

- complying with appropriate assessment security procedures;
- taking all reasonable and prudent steps to ensure the accuracy and integrity of all academic testing, including statewide assessments; and
- ensuring the security of all test materials.

Security Violations and Cheating. Staff members who suspect students of having cheated on a classroom assessment should conduct a reasonable inquiry and impose consequences on the student consistent with classroom rules and the student handbook. Staff members who suspect a breach of security on state academic achievement tests must promptly report their suspicions to the building principal or superintendent. The building principal or superintendent will investigate the circumstances and report the results of the investigation to the Secretary of Education.

The superintendent and building principals will communicate to staff what constitutes cheating and communicate the possible personal and district sanctions. Staff members who engage in or enable students to engage in academic dishonesty in any testing or assessment will be subject to discipline up to and including immediate termination.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4050

Overtime

Employees who are "non-exempt" under the Fair Labor Standards Act and who work more than 40 hours in a workweek will be paid at the rate of time-and-one-half (1½) times their regular rate of pay for all overtime hours or will be provided compensatory time. All overtime must be approved in advance by the employee's supervisor. Scheduled holidays, vacation days, time off for jury duty, and time off for sickness, emergencies or other personal reasons will not be considered hours worked for overtime purposes.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4051

Staff and District Social Media Use

Social media is an important tool for communicating, keeping up-to-date with current developments in education, and for conducting research to enhance management, teaching, and learning skills. The district also uses social media accounts to provide information to district stakeholders. This policy is intended to ensure (1) appropriate use of social media by staff and (2) appropriate control of social media accounts belonging to or affiliated with the district. Staff should also refer to the district's policy on Staff Computer and Internet Usage.

I. Personal Versus School-Affiliated Social Media Use

A. Personal Social Media Use

1. The school district will not require staff members or applicants for employment to provide the district with their username and password to personal social media accounts.

2. The district will not require staff to add anyone to the list of contacts associated with the staff member's personal social media accounts or require a staff member to change the settings on his or her personal social media accounts so that others can or cannot view their accounts.

3. Staff members whose personal social media use interferes with the orderly operation of the school or who use social media in ways that are not protected by the First Amendment may be subject to discipline by the district.

4. Staff members who wish to begin using or to continue using the school district name, programs, mascot, image or likeness as part of any social media profile must notify their supervising administrator of the use and must secure the administrator's permission to do so.

B. School-Affiliated Social Media Use

I. Any social media account which purports to be "the official" account of the school district (e.g., "Panther Wrestling"), or any of its programs, classes or entities will be considered to be an account that is used exclusively for the school district's business purpose. Staff members may not use "official" accounts for personal use.

2. Staff may be required to provide their supervising administrator with the username and password to school-affiliated social media accounts.

3. Staff may be required to interact with specified individuals on school-affiliated social media accounts.

4. When staff use school-affiliated social media accounts to comment on school-related matters, they do not do so as private citizens and are therefore not

entitled to First Amendment protections. They are also not allowed to make any press releases or other official communications on behalf of the district without prior administrative approval. In other words, staff do not speak "for the district" directly or indirectly unless specifically authorized and directed to do so.

II. Staff Expectations in Use of Social Media – Applicable to Both Personal and School-Affiliated Use

A. General Use and Conditions

Staff must comply with all board policies, contract provisions, and applicable rules of professional conduct in their social media usage. They must comply with the board's policy on professional boundaries between staff and students at all times and in both physical and digital environments.

Staff must obtain the consent of their building principal or the superintendent prior to posting any student-related information in order to make sure that the publication does not violate the Federal Education Records Privacy Act or any other laws. Staff must also comply with all applicable state and federal record retention requirements, even with regard to personal social media usage.

Staff must comply with all applicable laws prohibiting the use or disclosure of impermissible content, such as copyright laws, accountability and disclosure laws, and any other law governing the use of resources of a political subdivision. Questions about appropriate content should be referred to the staff member's supervising administrator.

B. Acceptable Use

1. Staff may use social media for school-related communication with fellow educators, students, parents, and patrons. Student communication must be consistent with the district's professional boundaries policies and expectations.
2. Teachers should integrate the use of electronic resources, which may include social media, into the classroom. As the quality and integrity of content on social media is not guaranteed, teachers must examine the source of the information and provide guidance to students on evaluating the quality of information they may encounter. This includes spotting AI-generated content, fakes, spoofs, and discerning quality and reliability of content.

C. Unacceptable Use

1. Staff shall never access obscene or pornographic material while at school, on school-owned device or on school-affiliated social media accounts.

2. Staff shall not engage in any illegal activities, including the downloading and reproduction of copyrighted materials.
3. Staff shall not access social media networking sites such as Facebook, X, Instagram. Snapchat, and TikTok on school- owned devices or during school time unless permitted by district policy or preapproved by the staff member's immediate supervisor. This prohibition extends to using chat rooms, message boards, or instant messaging in social media applications and includes posting on social networking sites using personal electronic devices.

III. School-Affiliated Digital Content

A. General Use and Conditions for School-Affiliated Accounts

Staff must obtain the permission of their supervising administration prior to creating, publishing, or using any school- affiliated web pages, blogs, microblogs, social media pages or handles, or any other digital content which represents itself to be school- related, or which could be reasonably understood to be school-related. This includes any content which identifies the school district by name in the account name or which uses the school's mascot name or image.

Staff must provide administrators with the username and password for all school-affiliated accounts and must only publish content appropriate for the school setting. Staff may not provide the username and password to school-affiliated accounts to any unauthorized individual, including students and volunteers.

B. Moderation of Third-Party Content

The purpose of school-related social media accounts is to disseminate information. No school-related or school-affiliated social media account covered by this policy shall permit comments by the public unless otherwise approved by the superintendent. All comment functions for applications such as Facebook and Instagram must be turned to "off" without this approval.

In the event the superintendent permits content created by anyone other than the administrator of the account to appear on the account's pages, such as comments made by students, parents, and patrons, the account administrator must monitor the content to ensure it complies with this policy. Posts, comments, or any other content made on the account's pages or tags or links to official school accounts on another account may be removed when the content meets any of the following conditions:

1. Is obscene, lewd, lascivious, true threat, or appeals to prurient interests;
2. Contains information relating to a student matter or personnel matter which is protected under or prohibited by state or federal law;
3. Contains fighting words or content that is threatening, harassing, or discriminatory words or phrases;
4. Incites or is reasonably anticipated to incite violence, illegal activity, or a material and substantial disruption to school

operations or activities; or

5. Contains any other threat to the safety of students and staff.

The district may restrict access to its official accounts for violations of these rules, such as deleting comments or prohibiting comments. Accounts that are not official school accounts are those owned and operated by board members and employees for their personal use, even if they discuss school matters.

Every official school account administrator must keep a copy of any removed content or banned/blocked individual account and must provide a copy to the superintendent along with written notification for the reason the post has been removed. All questions about the appropriateness of removal must be directed to the superintendent.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

4052

Job References to Prospectives Employers

All requests for employment-related references or employment history by prospective employers of current or former employees must be referred to a member of the administrative team. The administrator will either provide a reference in compliance with this policy or will forward the request to the superintendent.

If the school district is subject to a written separation agreement regarding a particular employee, the terms of that agreement will govern the district's response to requests for information, regardless of any written consent provided to the school district.

If the school district is not bound by a separation agreement and receives a legally enforceable written consent to release information, the district may provide the information authorized by that document. The school district may provide additional truthful information to prospective employers of current and former employees in accordance with this policy.

Employees Suspected of Sexual Misconduct Against a Minor or Student

Apart from the routine transmission of administrative and personnel files or unless otherwise permitted by law, the district and any employee, contractor, or agent of the school district is prohibited from providing any employee any assistance in obtaining a new job if the school district or the individual acting for the school district has probable cause to believe said employee has engaged in sexual misconduct with a student or minor in violation of the law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4053

Veteran Preference in Employment

The District will grant preference in employment to veterans I accordance with SDCL 3-3-1. A veteran applicant is any applicant who:

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

A veteran applicant who has a service-connected disability will receive preference over nondisabled veteran applicants. If a veteran applicant possesses at least the minimum qualifications necessary to fill the position, the District will interview the veteran applicant for the position, but the District does not guarantee a position due to veteran status.

The District will provide any veteran employee all due process entitled to them under law upon termination of their employment and will not remove a veteran from their position unless the employee can be replaced with another veteran. Veteran employees may be terminated for incompetency or misconduct after a hearing and upon due notice.

This policy does not apply to any District employee with policy-forming authority. Spouses of disabled or deceased veterans may also qualify for preference under this policy.

Adopted: October 14, 2024
Revised: _____
Reviewed: _____

4054

Reporting Child Abuse or Neglect

Because of their daily contact with school-age children, educators and other school employees are in a unique position to identify abused and/or neglected children. South Dakota law defines "abused and neglected child" as a child:

- Whose parent, guardian or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
- Who lacks proper parental care through the actions or omissions of the parent, guardian or custodian;
- Whose environment is injurious to his welfare;
- Whose parent, guardian or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care or any other care necessary for his health, guidance, or well- being; or
- Who is homeless, without proper care, or not domiciled with his parent, guardian or custodian through no fault of his parent, guardian or custodian;
- Who is threatened with substantial harm;
- Who has sustained emotional harm or mental injury as indicated by an injury to his intellectual or psychological capacity evidenced by an observable and substantial impairment in his ability to function within his normal range of performance and behavior, with due regard to his culture;
- Who is subject to sexual abuse, sexual molestation or sexual exploitation by his parent, guardian, custodian or any other person responsible for his care;
- Who was subject to prenatal exposure to abusive use of alcohol, marijuana or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 3420B;
- Whose parent, guardian or custodian knowingly exposes the child to an environment that is being used for the manufacture, use or distribution of methamphetamine or any other unlawfully manufactured controlled drug or substance.

Reporting Procedure. School employees who have reasonable cause to believe that a child has been abused and neglected child will report the suspected abuse or neglect according to the following procedure.

1. Any school employee who has reasonable cause to believe that a child has been abused or neglected shall report the suspicion to the building principal or superintendent immediately. Any doubt or question in reporting such cases shall be resolved in the favor of reporting the suspected abuse or neglect.
2. The building principal or superintendent shall consider the report from the school employee and may further consult with the employee or other administrators. If there is a reasonable cause to suspect that the child has been abused or neglected as defined by state law, the building principal or superintendent shall immediately report such to the State's Attorney of the county in which the child resides or is present, to the Department of Social Services, or to law enforcement officers.

3. The administrator facilitating the report of suspected abuse or neglect shall request a response report.

Contents of the Report. The report to authorities shall contain the following information to the extent it is available: (1) name and position of reporting person; (2) name, address, and the date and place of birth of the abused or neglected person; (3) the name and address of the person or persons having custody of the abused or neglected person; (4) the name and address of the person or persons suspected of being responsible for the abuse or neglect; (4) the nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect; and (5) any other information that may be useful in establishing the identity of the persons involved and cause of the abuse or neglect.

Legal Immunity. South Dakota statutes give legal immunity from any civil or criminal liability to any person who makes a good faith report of child abuse or neglect or participates in a judicial proceeding resulting from such a report.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

4056

Resignation of Certified Staff

Certified staff members who know they will not be returning to employment at the school district for the following school year are encouraged to submit their resignations as early as possible, to enable the board to find suitable replacements. Any provision in this policy in conflict with terms collectively bargained will give way in favor of the conflicting term of the negotiated agreement.

As a general matter, the board will not release certified staff members from their contractual obligations. Staff members who refuse to fulfill their contractual obligations may be reported to the South Dakota Professional Teachers Practices and Standards Commission.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed:

4057

Superintendent Evaluation

The board shall observe and evaluate the superintendent based upon actual observation of some aspect of the superintendent's typical work for no less than 40 minutes at least twice during his or her first year of employment and at least once each year thereafter. Additional evaluations may be conducted at the discretion of the board.

Purpose. The purposes of the formal job evaluation are:

1. To provide a means of rational, structured communication between the board and superintendent to create a more constructive and effective working relationship.
2. To provide a basis for commending, rewarding and reinforcing good work, as well as identifying areas where the superintendent needs to improve.
3. To clarify the superintendent's role and inform the superintendent of the board's expectations.

Dates. Unless otherwise provided for in the superintendent's employment contract, the first year evaluations should take place (1) at or prior to the October board meeting, and (2) at or prior to the January board meeting. Annual evaluations shall take place at a board meeting held during the month before the date in the superintendent's employment contract by which the board must notify the superintendent of its intention to consider the nonrenewal or amendment of the contract. In the absence of such a contract provision, the annual evaluation should take place at or prior to the March board meeting. The Superintendent shall remind the Board members in writing at least 45 days before the date of each upcoming evaluation and shall make his evaluation an agenda item for the board meeting.

Evaluation Document. The superintendent shall submit a recommended evaluation document to the board. The board shall meet and discuss the proposed document with the superintendent. The board may amend and adopt the proposed evaluation document. The board may amend the document or adopt a new document without amending this policy.

Evaluation Procedures. Each board member shall have the opportunity to complete a draft evaluation document. The board president shall compile the individual draft evaluations into a single and final evaluation, provide a copy to the superintendent, and discuss it with him or her. The superintendent's evaluation may be conducted in closed session.

Deficiencies. If deficiencies are noted in the superintendent's work performance, the board shall provide the superintendent at the time of the observation with a list of deficiencies and a list of suggestions for improvement and assistance in overcoming the deficiencies. The board shall also provide the superintendent with follow-up evaluations and assistance when deficiencies remain, a timeline for improvement, and sufficient time to improve. In the alternative, the board may rely upon the

superintendent's education, training, and expertise and require him or her to submit a "list of suggestions for improvement" or plan of improvement for the board's consideration.

Personnel File. The evaluation shall be signed by the board president (or other member of the board) and the superintendent. The superintendent shall place a copy of the evaluation in his or her personnel file. The superintendent may provide a written response to the evaluation to the board. A copy of the response shall also be placed in the superintendent's personnel file. The board may meet with the superintendent to discuss the written response.

Policy Limitation. The board's failure to comply with any procedures provided in this policy but not required by law shall not prohibit the board from taking any action regarding the superintendent's employment, up to and including the nonrenewal, amendment, or cancellation of the employment contract.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4058

Confidentiality in Counseling

The school district provides students with a certified school counselor. Information that students provide to counselors is considered confidential unless disclosure is permitted by state or federal law.

Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings and other documents, are to be considered professional information for use in counseling, not part of the student's education record.

When a counselor is in doubt about what information to release, he or she should discuss the matter with the building principal or with the superintendent.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

4059

Suicide Awareness and Prevention Training

Prior to starting employment at a school district and every five years after the start of employment, all certified school employees are required to complete an approved youth suicide awareness and prevention training that is at least one hour long. A certificate of completion must be submitted to the school district. The school district will retain the certificates as part of documentation for accreditation. Failure to complete this training may subject the employee to employment-related discipline.

Adopted: June 10, 2024
Revised: _____
Reviewed: _____

4060

School Vehicle Use

School Vehicle Use. School district vehicles may not be used for personal purposes unless the vehicle, or the use of it, is provided to an employee as a condition of an employment contract or it is leased to school personnel as allowed by law. School personnel must operate school vehicles in accordance with all applicable federal, state, and local laws.

Driver Qualifications. School personnel who wish to use a vehicle owned or leased by the school district and who are not transporting students must:

- Possess and provide a copy of a valid Motor Vehicle operator's license.
- Be able to read and comprehend driving regulations and written test questions.
- Obtain and provide a copy of his or her current driving record from the department of motor vehicles at least one time per school year to the superintendent or his or her designee.

School personnel must notify the superintendent or his or her designee about any change in their driving status or eligibility.

School personnel who have been convicted of any of the following or who meet any of the following conditions will not be allowed to drive a school district vehicle:

- If the citation or conviction occurred at any time—Motor vehicle homicide or driving under the influence – 3rd or subsequent offense;
- If the citation or conviction occurred within the last 3 years - Driving under the influence of drugs or alcohol, failure to render aid in accident you are involved in, speeding 15 miles per hour or more above the posted speed limit, reckless driving (willful or otherwise), careless driving, leaving the scene of an accident, failure to yield to a pedestrian with bodily injury to the pedestrian, or negligent driving; or
- Have accumulated 15 points or more under an operator's license point system within the last 15 years.

The superintendent or his or her designee has the discretion to prohibit school personnel from driving a school vehicle for a citation or arrest for the above offenses or any other offense or reason. The superintendent or his or her designee will make the final determination about the use of school district vehicles.

Electronic Communication While Driving. Unless the superintendent or a principal grants an exception to allow verbal communication on an as needed basis for specific district-related work based upon an employee's duties and responsibilities, school personnel shall not use any electronic communication device to read a written communication, manually type a written communication, send a written communication, verbally communicate with others, or otherwise communicate with others while operating a school vehicle. This prohibition includes but is not limited to answering or making telephone calls, engaging in telephone conversations, and reading or responding to emails, instant messages, text messages or other visual

media.

Tobacco, Alcohol, and Controlled Substances. The use of any tobacco product, including the use of vapor products, alternative nicotine products, or any other such look-alike product, is not permitted in a school vehicle at any time. The use or possession of any alcohol or controlled substance (unless legally prescribed to school personnel by a physician) is not permitted in a school vehicle at any time. All drivers shall follow and be subject to Drug Free Workplace Policy and Drug Policy Regarding Drivers Policy.

Traffic Accidents, Infractions, Violations, or Citations. School personnel who receive a citation or warning citation from a law enforcement officer or are involved in an accident while operating a school vehicle must report the citation to the superintendent or his or her designee as soon as practicable, but no later than 24 hours of receipt. The superintendent must report his or her accidents, infractions, violations, or citations to the board president.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

4061

Workplace or Non-Workplace Injuries or Illness and Return to Work

Reporting Workplace Injuries. Staff members who are injured while performing duties or who witness workplace injuries must report them to the superintendent or superintendent's designee as soon as possible after being injured or witnessing an injury. Written notice of the injury must be provided to the District no later than three business days after the injury. The notice of injury submitted by the staff member must include the when, where, and how the injury occurred. Staff members must prepare written statements regarding the injuries they sustained or witnessed when they are asked to do so by the school district. Failure to report a workplace injury as a witness will constitute insubordination and neglect of duty and may result in adverse employment action up to and including termination of employment. Failure to report workplace injuries may also result in delayed or forfeited benefits to which an employee may otherwise be entitled.

Returning to Work after Workplace Injuries or Non-Workplace Injuries or Illness. Staff members whose injuries or illness prevent them from completing any or all of their duties, whether or not incurred at work, may be permitted to continue working or may be offered modified duty positions as required by law or as determined appropriate by the superintendent. This policy does not guarantee a limited or modified assignment during the recovery period unless it is otherwise required by law. The employee may be required to provide a return to work certification or report from their treating physician which delineates any restrictions, modifications, or accommodations needed to allow the employee to perform the essential functions of their position.

Termination After Workplace Injuries or Illness. Unless otherwise covered in an individual employment contract, employees may be terminated after suffering a workplace injury or illness when the district has a legitimate, nondiscriminatory reason for doing so. Such reasons include but are not limited to:

- Necessity to fill the position to maintain continuous services as required by law or district policy or standards;
- Performance deficiencies of the employee unrelated to the injury or illness;
- Unavailability of substitute or replacement employees;
- When the absence will negatively impact students' educational experience or opportunities; or
- Any other reason not otherwise prohibited by law.

The district may make such employment determinations regardless of whether the employee has returned to work and regardless of whether a medical professional has certified that the employee has reached maximum medical improvement. In the event the injury or illness lasts beyond the amount of leave time provided by the district and by the Family Medical Leave Act, which is generally no greater than 12 weeks, the employee may be terminated even if the employee remains eligible for Workers' Compensation under state law or short or long-term disability under a policy available through the district. In no event will an employee be terminated as retaliation for filing

a Workers' Compensation claim.

Termination After Non-Workplace Injuries. Unless otherwise covered in an individual employment contract or prohibited by law, employees who are unable to perform any of the essential functions of their positions with reasonable accommodation(s) due to injury or illness occurring outside of the workplace may be terminated. The employee's position or a similar position will be held open only as required by law, such as the Family Medical Leave Act.

Adopted: July 11, 2022
Revised: June 10, 2024
Reviewed: _____

4062

Locker Room Supervision

Staff members, coaches, sponsors, and students must comply with the requirements of this policy while using locker rooms at the school district or at other locations.

Staff members, coaches, and sponsors must appropriately supervise students in locker rooms and other locations where students dress, change, or engage in similar activities. This supervision must occur at all times during curricular and extracurricular activities and includes, but is not limited to, the following:

- Entering and walking through the entire locker room at regular and irregular intervals to provide direct supervision and to assess student behavior.
- Maintaining an orderly locker room free from "horseplay" and other prohibited conduct.
- Maintaining a visual presence.
- Adequately addressing any misbehaviors.
- Escorting students to and from the locker room and the activity or instructional area.
- Unlocking the locker room so that students may enter, and locking the locker room after all students have exited the locker room.
- Searching the locker room to determine that all students have exited the locker room before locking it.
- Ensuring that the locker room remains locked during any activity.

If a student is found missing during an activity, the staff member, coach, or sponsor or adult designee shall check the locker room for the missing student.

The locker room must be locked at all times when unsupervised.

Only students whose team or activity is currently playing or are in-season or who are involved in a school-sponsored activity that requires or allows presence in the locker room are allowed access to the locker room before or after the regular school day.

Students are not allowed to enter or reenter the locker room without appropriate supervision.

If the staff member, coach, or sponsor is the opposite sex of the students, he or she may designate another adult of the same sex as the students to provide the required locker room supervision. This delegation does not remove ultimate responsibility from the staff member, coach, or sponsor who is subject to the obligations under this policy to ensure that such obligations are met. By allowing their students to participate in an activity with a cross- gender coach, parents/guardians consent to the entry of the staff member or his or her designee into the locker room at any time as necessary to maintain student safety and order.

Staff members, coaches, and sponsors must remain with students until they are picked up by the parent, guardian, or other authorized person or the student leaves in his or

her own transportation. Students must never be left unattended after a game, practice, or other school-sponsored activity. In other words, the staff member, coach, or sponsor should be the first one to arrive at the activity and the last one to leave.

Cell phones and other devices with visual or auditory recording capability may not be used in the locker room at any time or for any reason.

Under no circumstance may a staff member, coach, or sponsor delegate any responsibility under this policy to a student or other minor.

School administrators or their designees may make random checks to assess policy compliance.

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Revised: _____
Reviewed: _____

4063

Staff Use of AI Tools

As used in this policy, artificial intelligence tools ("AI Tools") means machine-based resources that use computer science, algorithms, large language models, and/or machine learning to perform tasks, answer questions, collect information, and respond to human-directed tasks, queries, and objectives. AI Tools include, but are not necessarily limited to, commercially-available resources like ChatGPT, Gemini, Claude, and similar technologies. The board wants to encourage staff to use AI tools to support student learning in safe and lawful ways.

This policy works together with the district's policies on Student Use of AI Tools, Staff Internet and Computer Use, and Staff and District Social Media Use.

Tool Approval. Staff may not use an AI Tool with students or with student information unless a member of the district's administration has approved it. To use a new tool, staff must request approval from his/her supervising administrator first. Before approving a tool, the district will review the vendor's privacy and security practices, the kind of student information the tool would use, and whether a written data-sharing agreement with the vendor is required. The district will keep a list of approved AI Tools and the allowed uses for each.

I. Staff Expectations for Use of AI Tools in Education

a. **Acceptable use of AI Tools.** Staff members must use their own professional oversight for any task they use AI Tools to complete and must carefully review the outputs of all AI Tools. Staff may use approved AI Tools to help with things like:

   i. Drafting lesson plans, learning goals, and activities;

   ii. Assisting in initial review and feedback of student work;

   iii. Making reading passages or practice problems at different levels;

   iv. Drafting general messages like newsletters or announcements;

   v. Finding resources or summarizing public information

   vi. Drafting routine communications

b. **Protecting Student Information.** Staff may upload student information into an AI Tool only when (a) the tool is district-approved, and (b) the vendor is bound by a written data-sharing agreement with terms that meet FERPA, COPPA, PPRA, and applicable state student data privacy laws. For this purpose, student information includes student names, ID numbers, education records, IEPs, Section 504 plans, evaluations, health records, and discipline records. This rule applies whether the staff member uses a district account, a personal account, a free version, or a paid version.

c. **Recording and Transcription Tools.** Staff may use AI recording or transcription tools only if:

i. The transcription tool has been approved by an administrator for use in the school context; and

ii. All participants to the meeting are informed that the staff member is recording or transcribing the meeting.

The resulting recording or transcript may be subject to the district's retention and confidentiality policies.

d. **Unacceptable Use of AI Tools in Education.** Staff may never use AI tools to:

i. Upload FERPA-protected information about students without the express, written authorization from administrators who have assured themselves that such disclosure is lawful;
ii. Relying solely on an AI Tool to grade student work that counts toward a grade or transcript or otherwise evaluate student academic progress;
iii. Make or share deepfakes or fake images, audio, or video of any real person.
iv. Make or share sexual or intimate images of any real person—even if the image is AI-generated;
v. Use AI to harass, bully, threaten, or impersonate any student, staff member, parent, board member, or community member;
vi. Use AI to watch, track, or scan faces of students or staff outside of systems the board has approved;
vii. Upload materials to AI if the copyright or license does not allow it;
viii. Share district AI accounts or passwords with students or others;
ix. Use district AI accounts for personal or business reasons; or
x. Use AI to bypass district network security, content filters, or device controls.

If any staff member is uncertain about the application of this policy to any AI tool use, the staff member will check with a supervising administrator before use.

Adopted on: July 13, 2026

Revised on: _____

Reviewed on: _____

5001

Compulsory Attendance and Excessive Absenteeism

Required Attendance

Every person residing in the school district who has legal or actual charge or control of any child who is of mandatory attendance age shall cause that child to attend a public or private school regularly unless the child has graduated from high school or has been allowed to disenroll pursuant to this policy.

Mandatory Attendance Age

All children who are or will turn five years old before September 1 of the current school year are eligible to attend kindergarten. Children who are or will turn six years old before September 1 but who have not turned eighteen years of age are of mandatory attendance age. Any child who transfers from another state may proceed in a continuous educational program without interruption, even if that student has not previously attended Kindergarten or does not meet the age requirements described in this policy.

Exceptions – Alternative Instruction

This policy does not apply when a child is provided with alternative instruction in accordance with state law.

Discontinuing Enrollment – Religious Exemption

A child who has completed the first eight grades is excused from mandatory attendance if the child or the child's parents are members of a religious group that objects to public high school education. The religious group must also provide a regularly supervised program of instruction compliant with South Dakota law.

Attendance Officer

Each building principal is designated as an attendance officer for the district. Each building principal, at his or her discretion, may delegate these responsibilities to any other qualified individual. The attendance officer is responsible for enforcing the provisions of state law relating to compulsory attendance. This responsibility includes but is not limited to filing a report with the circuit court of the county in which a student resides. Compensation for the duties of attendance officer is included in the salary for the superintendent or designee.

Excused Absences

The following absences may be considered excused if they are confirmed by communication to the school from the student's parent/guardian:

1. Physical or mental illness of the student (a physician's verification is required after four (4) consecutive days of absence for illness)

2. Severe weather

3. Attending a wedding or graduation

4. Appearance at court or for other legal matters

5. Personal or family vacations

Excessive Absenteeism

Data shows a student missing 10% or more of the school year results in substantial harm to the student's learning. To avoid this harm, the District will use the following procedure to incentivize attendance.

After 5 missed days, the principal or designee may have a discussion regarding attendance with the student or family, depending on the circumstances related to the absences.

After 10 missed days, the principal or designee will contact the family and/or student to discuss issues and support surrounding attendance. A meeting may be scheduled regarding the student's absences, and a plan for consistent attendance may be developed. Additional support may be provided.

Students missing their 15th day of school will have a letter sent to the parents/guardians, the superintendent and the State's Attorney.

Exempt Absences

Absences for the following reasons will not be counted toward truancy:

- Absences due to school activities
- College Visits (Maximum of two per year)
- Medical appointments (physician verification required)
- Death in the student's immediate family
- Religious holidays

Students not in attendance for these reasons will still be responsible for completing all required schoolwork.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5001.1

Compulsory Attendance and Distance Learning

The District does not offer distance learning except in extenuating circumstances. The student must seek approval from district administration. Requests related to special education or disability will be considered as a part of the student's individual education plan or Section 504 plan.

Any student engaged in distance learning must still comply with policy 5001 regarding attendance. A distance learner is any student engaged in learning while not in physical attendance at the school. Each failure to login for an interactive on the assigned learning management system will be counted as an absence under Policy 5001. Multiple absences under this policy will lead to the consequences described in Policy 5001, up to and including filing a complaint for truancy with the circuit court.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY
PANTHERS

5002

Admission of Students

Students shall be admitted to the school district who are:

- children whose parents or guardian reside in the district;
- approved for open enrollment pursuant to policy;
- approved as foreign exchange students pursuant to policy; or
- out-of-state students who have been enrolled pursuant to policy.

Resident Students

A student is only considered a resident of the District if the student's parents reside in the District, and the District will presume a parent resides wherever they claim a property tax credit pursuant to SDCL 10-13-39. A parent cannot establish residency simply through buying or renting property in the District for the purpose of obtaining free school privileges.

If parents are divorced or separated, the Student may enroll only if their custodial parent or guardian has residence within the District. If parents have joint custody, the student may only enroll if the parent with whom they reside a majority of the school year resides within the District.

Students whose parents do not reside within the District are only eligible to enroll if placed in the District by a government entity as described in the following section.

Children Ineligible to Enroll

Children who have been placed in a foster home within the school district are not residents of the district and will not be permitted to enroll unless the child was placed in the District by the South Dakota Department of Social Services, South Dakota Unified Judicial System, or South Dakota Department of Corrections.

Except in adult education classes or when otherwise required by law, no student who reaches the age of 21, or who has earned a high school diploma or its equivalent will be allowed to be enrolled in or continue to attend school in the district. Students who reach the age of 21 after July 1 will be allowed to continue enrollment.

Students who seek to enroll in the district must comply with each board policy, state statute and regulation that applies to their situation. Grade level placement will be determined in accordance with district policy. The Board may make exceptions to this policy on an individual basis in accordance with state law.

If the District discovers that an enrolled student no longer qualifies as a resident student, or is ineligible for enrollment for any other reason under state or federal law, the District may disenroll that student. The parent of that student would be eligible to submit open enrollment paperwork to continue their enrollment.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

5003

Admission of Part-Time Students

A student may be permitted to enroll on a part-time basis pursuant to this policy and applicable curricular practices when enrollment is appropriate for reasons that include but are not limited to the following: the student receives alternative instruction on a part-time basis; is enrolled for a limited number of credit hours needed to graduate; has a modified schedule because of a disability or as part of an individualized education plan; or is a student who resides in the school district but attends a private, denominational, or parochial school or a school that elects not to meet accreditation or approval requirements.

Placement of Students. Part-time students shall be placed in courses for which they have adequate preparation, and which are determined to be educationally appropriate based on criteria that include, but are not limited to the student's age, achievement test scores, academic record, evaluation by school personnel and any other standards used by the district for the placement of students. Students who are enrolled at least half-time are required to take the same academic achievement tests administered to full-time students.

Grades and Academic Honors. Part-time students shall receive grades, report cards, and transcripts, but shall not be eligible to graduate, receive a diploma or qualify for class ranking unless they meet all district requirements for such including earning a sufficient number of credit hours and semesters of attendance.

Transportation. Part-time school students are not entitled to transportation or reimbursement for transportation by virtue of their status as part-time students.

Open Enrollment. Students may not enroll on a part-time basis pursuant to the school's open enrollment program.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed: _____

5004

Open Enrollment

Nonresident students and parents may apply for enrollment within the school district. Resident students may also apply for enrollment at an attendance center different from that to which the student is assigned. The superintendent will grant nonresident requests for transfer into the district and resident requests within the district unless the transfer would result in an inability to provide a quality educational program.

Criteria for Determining Eligibility. When determining eligibility, the school district will analyze the capacity of the applicable program, class, grade level, and school building. The school district will also consider student/teacher ratio. Openly enrolled students may participate in extra-curricular activities.

For the purposes of this policy, the definition of "capacity" encompasses more than strictly class size, and may include capacity of particular extracurricular programs, in accordance with state law.

The school district will consider requests in the order received but will prioritize requests for students who have siblings enrolled in the school district. No student currently under suspension or expulsion from another district may open enroll into the school district. In addition, the District may deny applications where it is already at or over capacity in accordance with state law.

Requests for Multiple Students in the Same Family. Requests from two or more nonresident students from the same family who reside in the same household will be approved or denied as a unit. The school district will not deny such requests if doing so would result in children in the same household attending different school districts. The school district may deny requests for a student in need of special education services if the school district is unable to provide an appropriate instructional program and facilities, including transportation, regardless of whether the school district accepts a request from a student in the same household.

Request Procedure. The superintendent must receive requests from before the last Friday in September for the Fall semester and before the last Friday in January for the Spring Semester. Approvals occurring after the Fall deadline will take effect the following semester, while approvals after the Spring deadline will take effect the following school year.

These deadlines do not apply if the student is seeking to openly enroll in an alternative school, the student enrolls in another district after the deadline, or the superintendent determines special circumstances exist to justify transfer after the deadline.

Requests must be submitted on the forms attached to this policy. The superintendent will notify the applicant and resident school board of acceptance or denial within five days of making the decision. The applicant can withdraw the request prior to approval with written notification to the superintendent. Once approved, the student is obligated to attend school within the school district unless they apply for another transfer or change residence. Annual reapplication is unnecessary once the school district has approved a request.

Appeals of Requests. A parent, guardian, or student may appeal the decision of the superintendent to the Board of Education. The Board of Education's decision may be appealed in state circuit court.

Requests for Students Receiving Special Education Services. The school district may only grant such transfers if it obtains and reviews copies of all of the student's relevant special education records from the resident district. The school district must also communicate with the student's parent or guardian and representatives from the resident district regarding the student's special education and related service needs prior to accepting a request.

If based on the records review and said communications the school district determines it is able to provide an appropriate instructional program, including transportation, to meet the student's needs, it may accept the request. If the school district is unable to make such a determination, it will convene a meeting of the student's individual education program with representatives from both districts to determine whether the school district can provide an appropriate instructional program if necessary.

The school district may deny a request from a student receiving special education services under the standard eligibility criteria. It may also deny a request if the student's individual education program team (consisting of representatives from both districts) determines the school district is unable to provide an appropriate instructional program, including transportation.

If the school district accepts a request from a student receiving special education services, it is responsible for providing the student a free appropriate public education. If after acceptance of the request the student wishes to return to the original district, it must apply for open enrollment in accordance with that district's policies.

Any request by a student receiving special education services which does not indicate the student is receiving such services is void.

Returning to Resident District. If a student who has open enrolled into the district wishes to return to the resident district, the student must notify both school boards of the student's intent to return no later than August 1.

Transfer Credits. The school district will accept credits for any course completed in any other accredited school district as a result of an accepted transfer request. The school district will only award a diploma to a student who satisfactorily meets its graduation requirements.

Tuition. The school district will charge tuition to any student enrolled under this policy if that student is not entitled to free school privileges under South Dakota law, including those not residing in South Dakota. Tuition will be paid in full in advance or in monthly installments, in an amount to be decided at the annual meeting of the Board of Education in July. Nonpayment may result in the revocation of enrollment. The tuition fee may be changed by the board of education prior to any semester with or without

notice to the out-of-state student's family or resident school district.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed: _____

5005

Transportation of Open Enrollment Students

The board of education provides transportation to openly enrolled students only if (a) the openly enrolled student lives on an existing bus route or (b) the openly enrolled student makes arrangements to be picked up and dropped off at preexisting stops along an existing bus route. The district does not provide mileage reimbursement for openly enrolled-enrolled students unless otherwise required by law.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5006

Foreign Exchange Students

The school district may accept a foreign exchange student on a non- tuition basis if the student is sponsored by an organized exchange program that is acceptable to the board of education, approved for enrollment, and resides with a host family that lives within district boundaries.

A foreign student is not entitled to tuition-free schooling in the school district merely because he or she resides with a family within the district. The host family and/or sponsoring exchange program must file an application with the administration to enroll the student. In reviewing the application, the administration will consider the following factors:

- whether the student possesses a sufficient command of the English language;
- whether an appropriate program is available;
- whether the student meets the general admission requirements for the school; and
- such other factors as are relevant to the admission of the student.

Foreign exchange students who are accepted and enrolled will be subject to all policies and regulations governing the conduct and behavior of resident students. A foreign exchange student enrolled as a senior may participate in the District's graduation ceremony, where the student will receive a certificate of attendance.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

DAKOTA VALLEY PANTHERS

5007

Enrollment of Expelled or Suspended Students

The administration shall not enroll any student during the term of any known expulsion of the student from any public school in any state. The district shall not enroll any student during the known term of any expulsion or suspension of the student from a private school unless the board has approved the enrollment.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed: _____

5008

Pregnant or Parenting Students

The District will not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy. Students who are pregnant or parenting are encouraged to continue participating in the district's educational and extracurricular programs.

I. Accommodations Regarding Attendance and Participation

A. Generally

Students who anticipate deviations from their regular school experience or accrue absences due to pregnancy or parenting should notify their building principal as early as possible to discuss their educational programming. The building principal will work with the student to develop a plan to assist the student in participating in district curriculum and extra-curricular activities. Such a plan may include:

1. If the student cannot regularly attend classes, the provision of online courses;
2. The arrangement of meetings times with teachers;
3. If the student has not identified appropriate childcare, the identification of childcare providers that meet statutory requirements for quality and care; and
4. All other curricular adjustments, modifications, and means of supplementing classroom attendance deemed appropriate by the school administrators including, but not limited to, modification of attendance policies.

B. Students with Disabilities

For students with disabilities who have an IEP or Section 504 plan, the administrators, student's parents or guardians, and student if appropriate will collaborate with the student's educational team to coordinate accommodations consistent with state and federal law. As permitted by law, students may be entitled to accommodations as a result of pregnancy.

C. Title IX

When a student, or a person with a legal right to act on a student's behalf, informs a District employee of the student's pregnancy or related conditions, the District will inform the student of the Title IX Coordinator's contact information. The employee will also inform the student that the Title IX Coordinator can coordinate actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

The District will make reasonable accommodations to the District's policies, practices, and procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. The District will coordinate reasonable modifications based on the student's individualized need.

The District will consult with the student when determining what reasonable modifications may be appropriate, and the student has the discretion to accept or decline the reasonable modifications offered by the District.

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity. The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. Upon the student's return, the student will be reinstated to the student's academic status, and as practicable, to the extracurricular status that the student held when the voluntary leave began.

II. Accommodations Regarding Lactation and Breastfeeding

A. Accommodations

1. In order to accommodate lactating and breastfeeding students, the district will provide reasonable opportunities to express breast milk or breastfeed in a place, other than a bathroom, which is shielded from view and free from intrusion from district students, employees, and the public.
2. Students who wish or need to express breast milk on a regular schedule will work with school administrators to create a schedule which accommodates the student's needs while facilitating education to the maximum extent possible.
3. The district will provide a location for students to store expressed breast milk in or near the location designated for students to express milk to create the least amount of disruption to the student's participation in class or activities.

B. Educational Process

In order to prevent interference with the educational process, no student shall express breast milk within school classrooms or buses. Nothing in this policy limits the authority of the administration to impose consequences consistent with the Student Discipline Act and other state and federal law.

Adopted: July 11, 2022
Revised: June 10, 2024
Reviewed: _____

5010

Immunizations

Each student wishing to enroll in the school district must be immunized as required by state law and the rules and regulations promulgated by the South Dakota Department of Health and Human Services within 45 days of the start of classes. The required immunizations are:

- poliomyelitis
- diphtheria
- pertussis
- rubeola
- rubella
- mumps
- tetanus
- meningitis
- varicella

The district is not responsible for the cost of such immunizations. If a student is unable to afford the proper immunizations, the school district will reach out to the local department of health who will provide the required immunizations at public expense. Any student who does not comply with this policy shall not be permitted to continue attending school. The building principal shall be responsible for maintaining immunization records for the students enrolled in his/her building and shall share that information with the school's threat assessment and crisis teams as appropriate. The student will present a certification from a licensed physician that the child has received or is in the process of receiving the required immunizations.

Exceptions. The student is not required to receive immunizations if the student can provide certification from a licensed physician that immunizations would endanger the student's health or the student's parent or guardian provides a written statement asserting adherence to a religious doctrine opposed to immunization.

Adopted: July 11, 2022
Revised: July 13, 2026
Reviewed: _____

5011

Physical Examination of Students

All students wishing to participate in athletics will provide evidence of a physical examination by a licensed physician. Evidence of a physical examination can be no older than three years, in accordance with South Dakota High School Activities Association and must remain current for the entirety of participation in the activity. Students must complete annual health history reports prior to participation in an activity.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5012

Testing and Assessment Program

The school district will use a basic testing and assessment program to evaluate the outcome of the educational program and to provide information needed in working with individuals. The program will be supplemented by such individual and supplementary tests as the needs of the educational program and the district indicate. The superintendent and designees will coordinate the program from Kindergarten through twelfth grade to provide continuity. Teachers are prohibited from engaging in any behavior that adversely affects the validity of test scores as a measure of student achievement. Teachers should consult with relevant board policies and district protocols assessment administration and security.

Adopted: July 11, 2022
Revised: September 11, 2023
Reviewed: _____

5014

Homeless Students

General Policy. The District will provide tuition free education for homeless children and youth who are in the district and accord them the educational rights and legal protections provided by state and federal law. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless and shall have access to the same services offered to other students. It is the intent of this policy to remove barriers to the enrollment and retention of homeless children and youth in the District.

Homeless Liaison. The District's homeless liaison is Linda Steele. Students in homeless situations who require assistance should contact the liaison at 605-422-3800 or in person at 1150 Northshore Drive, North Sioux City, 57049. The liaison's responsibilities include:

- Ensuring homeless children and youth are identified through coordination with the South Dakota Department of Education, community groups, and other school personnel;
- Receiving training regarding state and federal law governing homeless children and youth;
- Ensuring homeless children and youth and their families are referred to appropriate health care, housing, and other relevant service providers and programs available in the community;
- Assisting other District personnel to work with homeless children and youth and their families on regular attendance, participation in programs and activities of the District, and completing academic work to meet academic standards of the District;
- Assisting homeless children and youth and working with other District employees to prepare for and improve college readiness, including assistance with applications, selection, financial aid, and status verification for purposes of the Free Application for Federal Student Aid; and
- Carrying out other aspects of this policy.

Definitions. "Homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

- Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an act of Congress or by state law.

"Child" and "youth" refers to persons who, if they were children of residents of the District, would be entitled to a free education.

The term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

"School of origin" means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

School Stability and Enrollment. Generally, the District presumes that keeping a homeless child or youth in their school of origin is in the child's best interest unless it is contrary to a request of the child's parent, guardian, or in the case of an unaccompanied youth, the youth. The District will also consider factors including, but not limited to: the impact of mobility on achievement, education, health, and safety of the child.

Strategies to Address Enrollment Delays. In order to address enrollment delays resulting from homelessness, the school district shall immediately enroll homeless students even if they are unable to produce records normally required for enrollment such as immunization and medical records, residency documents, birth certificates, school records, or other documentation, or guardianship documents. The school district shall immediately contact the school last attended by the student to obtain academic and other records. The school district's homeless liaison shall assist in obtaining necessary immunizations, or immunization or medical records.

Transportation. Transportation shall be provided to homeless students to the extent required by law and comparable to that provided to students who are not homeless. At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation shall be provided to and from the school of origin as follows:

a. If the homeless child or youth continues to live in the area served by the school district, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the school district.

b. If the homeless child's or youth's living arrangements in the area served by the school district terminate and the child or youth, though continuing his or her education in the school district, begins living in an area served by another school district, the school district and the new school district in which the homeless child or youth is living shall negotiate to agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school district. If the districts are

unable to agree, the responsibility and cost for transportation shall be shared equally.

Records. The District will maintain and respond to requests for enrollment records for homeless children or youth consistent with its record policies and state and federal record laws. Any information about a homeless child's or youth's living situation shall be treated as a confidential education record and shall not be deemed directory information.

Dispute Process. If a dispute arises over eligibility, school selection or enrollment in a school:

- The child or youth shall be admitted immediately to the school in which enrollment is sought, pending resolution of the dispute;

- The child, youth, parent, or guardian shall be referred to the district's homeless liaison who shall carry out the dispute resolution process within (30) thirty calendar days after receiving notice of the dispute;

- The parent or guardian of the child or youth or, in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision within (30) thirty calendar days of the time such complaint or dispute is brought.
- In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought pending resolution of the dispute.

Appeal Process. If the Complainant is not satisfied with the written decision of the District after the dispute resolution process, the Complainant may appeal the decision of the District to the South Dakota Department of Education within 10 calendar days of receipt of the decision from the District via certified mail. If the Complainant wishes to appeal the school district's decision, the district will provide the South Dakota Department of Education's appeal procedures.

If the Complainant is not satisfied with the decision of the Department of Education, the Complainant may take action through the court system.

Adopted: July 11, 2022
Revised: January 13, 2025
Reviewed: _____

south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

DISPUTE PROCEDURES – NOTICE OF RIGHTS

McKinney-Vento

Education of Homeless Children and Youth Act

Every Student Succeeds Act of 2015 (ESSA)

The Every Student Succeeds Act of 2015 (ESSA) reauthorizes the McKinney–Vento Homeless Assistance Act Subtitle VII Section 722(g)(1)(C) [42 U.S.C. §§ 11431-11434A]. This law requires the South Dakota Department of Education (SD DOE) to adopt procedures for resolving disputes regarding certain decisions made by school districts pertaining to students experiencing homelessness. This guide and form explains how to file a dispute.

South Dakota Department of Education (SEA)
Dispute Procedures for McKinney-Vento Programs
[42 U.S.C. § 11432(g)(1)C)]

General Information

- The district makes a written decision and the parent, guardian or unaccompanied youth disagrees leading to a dispute. A dispute must be initiated at the school/school district level by a parent, guardian or unaccompanied youth with the assistance of the school district M-V liaison. The local liaison must ensure that disputes are mediated in accordance with the State's procedures. [42 U.S.C. § 11432(g)(6)(A)(vii)] If applicable, please provide notice that the person initiating the dispute speaks English as a second language so that accommodations may be made, if needed.
- A dispute must have proceeded through the school district process, a district decision made, and the school district decision provided to the parent, guardian or unaccompanied youth in writing. Only disputes that have gone through all levels of the district resolution process will be reviewed by SD DOE.
- If the dispute is not resolved to the satisfaction of the parent, guardian or unaccompanied youth, further action may be initiated by the parent, guardian or unaccompanied youth. The dispute may be forwarded to the SD DOE for further consideration. The school district M-V liaison may assist, upon request, with completing the paperwork for the SD DOE.

DAKOTA VALLEY
PANTHERS

- The SD DOE will process the dispute according to the department's established procedures as quickly as possible and provide the parent, guardian or unaccompanied youth, and the school district with a written explanation of the decision.

- If the SD DOE decision is not satisfactory, further action through the courts may be investigated by the parent, guardian or unaccompanied youth.

Explanation of Disputes

The law states that certain school district actions may be disputed. The three areas are defined below.

- **Eligibility** - The school district failed to identify my child or youth or, in the cases of unaccompanied youth, myself as homeless under the M-V Statute. By failing to make identification, the rights of the student experiencing homelessness were not protected.
    - A homeless student is allowed immediate enrollment regardless of missing school records, proof of residency, immunization and other required health records, lack of a parent or guardian or other documentation.
- **School Selection** - The school district failed to allow my child or youth or, in the case of unaccompanied youth, myself to continue to attend the school of origin based on "best interest" and the wishes of the parent, guardian or, in the cases of the unaccompanied youth, myself.
    - School Selection – based on the "best interest" of the child or youth and the wishes of the parent, guardian, or unaccompanied youth, was the child able to attend the school of origin or enroll in the local attendance area school.
- **Immediate Enrollment and/or Full Participation** - The school district failed to immediately enroll and/or allow the student to fully participate. Immediate is defined as "without delay".
    - Full participation is attending classes immediately, even if the school has not yet received school records, special education records, immunization or other health documents. Is the child or youth being provided full participation in school activities? Has enrollment been immediate in any public school that regularly housed students, who live in the attendance area in which the child or youth is actually living, are eligible to attend?

Dispute Process at the SD DOE level

- **Record**. Upon receipt of a written appeal of a district decision where the parent, guardian or unaccompanied youth did not agree with the decision, a record of the source and nature of the dispute will be initiated.
- When a dispute is received, SD DOE will notify the district homeless liaison that a dispute was filed. A request that all related documentation, including the dispute resolution record and any other information the school board used in its decision-making, is submitted to the SD DOE within 5 business days. The homeless liaison will provide information to SD DOE about the local dispute resolution process that was conducted and any other information that pertains or is requested by the State Coordinator of Homeless Education.
- **Investigation**. The SD DOE will initiate an investigation within 10 business days, which will be concluded within 30 business days from receipt of the appeal. Such investigation may include a site visit if the SD DOE determines that an on-site investigation is necessary. By stipulation of all concerned, this investigation may be continued beyond the 30 business day limit. Dispute resolution will be considered a priority and will be resolved in the minimum time possible.
- **SD DOE's Written Decision.** SD DOE's decision will be sent by letter electronically and in hard copy to the parent, guardian, or unaccompanied youth who filed the dispute; the local school district's homeless liaison; and the local superintendent.
- SD DOE's decision is final and no further appeal on this decision will be reviewed.
- The parent, guardian, or unaccompanied youth may consult with their private attorney about legal action.

FORM TO FILE DISPUTE WITH SD DOE

SOUTH DAKOTA

DISPUTE OF ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT UNDER THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Note: **This form may be used at the district level (as allowed) and the state level. You have the right to retain an advocate or attorney at your own expense. If English is not your native language, or if you need additional supports because of disability, translators, interpreters or other support services, the services will be made available to you without charge in the appropriate language.**

This form is for use to initiate the dispute resolution process required by the McKinney-Vento Homeless Assistance Act when the parent, guardian, or unaccompanied youth disagrees with the District's eligibility, school selection, or enrollment decision.

District policy requires the parent, guardian, or unaccompanied youth to use the dispute resolution process set out in the attached information. Filling out this form is the first step in that process.

To file a formal dispute under the McKinney-Vento Homeless Assistance Act ("Act"), please fill out this form completely and submit it by hand-delivery, e-mail, or U.S. Mail to the principal or the District's liaison for homeless students or the superintendent. Policy typically requires dispute forms to be filed within 15 District business days of receiving the written explanation of the District's decision. However, because the Act's dispute process should be expedited whenever possible, South Dakota Department of Education (SD DOE) recommends that you submit the form as soon as possible, preferably within ten District business days of receiving the written explanation of the District's decision you are disputing. If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The student will remain attending the school where enrollment is sought during the entire dispute resolution process.

If you need assistance filling out this form or if you have other questions, please contact the liaison for homeless students.

Principal	**District Liaison for Homeless Students**
Name: _____	Name: _____
Address/Location: _____	Address/Location: _____
Phone number: _____	Phone number: _____
E-mail: _____	E-mail: _____

The principal or liaison will forward this form to the administrator, typically the Superintendent or designee, who will conduct the dispute resolution conference. (district's assigned person below)

Name: _____

Address: _____

Phone number: _____

DAKOTA VALLEY PANTHERS

E-mail address: _____

If you will be represented in presenting your dispute by someone other than the liaison for homeless students, please identify the person representing you.

Name: _____

Address: _____

Phone number: _____

E-mail address: _____

Please describe the McKinney-Vento eligibility, school selection, or enrollment decision that has prompted this dispute resolution process. Attach any documentation you have received from the school regarding this dispute.

_____

_____

_____

What was the date you received written notice of the District's decision causing this dispute?

_____

Please explain why you are dissatisfied with the eligibility, school selection, or enrollment decision.

_____

_____

_____

_____

_____

_____

_____

Please describe the outcome you seek from this dispute and why you believe this outcome to be in the student's best interest. Please attach any documents and/or provide any information that you believe supports your desired outcome.

_____

_____

Student's or parent's signature: _____

Signature of student's or parent's representative: _____

Date that District personnel received this formal appeal: _____

Name and title of the District personnel receiving this formal appeal:

_____

_____

Attach to this form any documents that you believe will support the dispute resolution process; if unavailable when you submit this form, they may be presented no later than the dispute resolution conference. Please keep a copy of the completed form and any supporting documentation for your records.

The District's homeless liaison is available to assist the parent, guardian, or unaccompanied youth in completing and submitting this form.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in South Dakota and to obtain contact information for the liaison in your district, please contact:

South Dakota Department of Education
McKinney-Vento State Coordinator's Office
Office of Educational Services and Supports
800 Governor Drive
Pierre, SD 57501
605-773-5669 (main office)
605-773-3782 (fax)

or

Emily Quick, Program Specialist
SD Department of Education
McKinney-Vento Homeless Education
605-295-1090

End – Form to File Dispute

School District - Give this list of requirements to the parent, guardian or unaccompanied youth for reference of the rights.

School District Requirements under the Law

School District Requirements under the Law during the Dispute Process (provide a copy to parent, guardian or unaccompanied youth). When a dispute arises under the McKinney-Vento Act, the law requires the school district (LEA) to follow a set of minimum procedures. Following are excerpts from the law describing these procedures:

- The child or youth "shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals." [42 U.S.C. § 11432(g)(3)(E)(i)]

- "In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute." [42 U.S.C. § 11432(g)(3)(E)(iv)]

- Since enrollment includes "attending classes and participating fully in school activities" [42 U.S.C. § 11434a(1)], while disputes are pending, students must be able to participate fully in school and receive all services to which they are entitled. This includes transportation services that are specified in the law.

- "The parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions." [42 U.S.C. § 11432(g)(3)(E)(ii)].

    - In addition, "if … the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth," the LEA must "provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E)."
      [42 U.S.C. § 11432(g)(3)(B)(iii)]

    - "In the case of an unaccompanied youth, the LEA must ensure that the local liaison … "assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E)." [42 U.S.C. § 11432(g)(3)(B)(iv)]

- "If a dispute arises over eligibility, or school selection or enrollment in a school…the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison … who shall carry out the dispute resolution process … as expeditiously as possible after receiving notice of such dispute." [42 U.S.C. § 11432(g)(3)(E)(iii)] Simply put, when a McKinney-Vento dispute occurs

1. the child or youth must be admitted to the school in which enrollment is sought pending final resolution of the dispute;
2. the parent, guardian, or unaccompanied youth must be provided written notice of the school's, LEA's, or SEA's decision, which must include the reasons for its decision and the right to appeal; and
3. the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute process.

Every district in every State must follow McKinney-Vento's dispute resolution procedures. The McKinney-Vento Act applies to every district in every State, regardless of whether the district receives McKinney-Vento funds. If dispute processes are not followed, or if a parent, guardian, or unaccompanied youth is not satisfied with the final resolution of a dispute at the State level, there is no further action available through SD DOE. The parent, guardian or unaccompanied youth may consult a private attorney about pursuing action in the courts against both the SD DOE and the school district.

5015

Protection of Pupil Rights

The Board of Education respects the rights of parents and their children and has adopted this policy in consultation with parents to comply with the federal Protection of Pupil Rights Amendment (PPRA).

Survey Created by a Third Party. This section applies to every survey that is created by a person or entity other than a district staff member or student regardless of whether the student answering the questions can be identified and regardless of the subject matter of the questions.

Parents have the right to inspect any survey created by a third party before that survey is distributed to their student.

Surveys Requesting Particular Sensitive Information. Sensitive information shall include:

- Political affiliations or beliefs of the student or the student's parent(s);
- Mental or psychological problems of the student or the student's family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers; physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent(s); or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without prior written consent of the parent or eligible student.

No student shall be required to submit to a survey, analysis, or evaluation that requests sensitive information.

If a survey requesting sensitive information is funded, in whole or in part, by a program administered by the U.S. Department of Education, the school district must obtain the written consent of a student's parent(s) before the student participates in the survey.

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey (created by any person or entity, including the

district) containing any sensitive information.
Parents have the right to inspect any survey which requests sensitive information before that survey is distributed to their student.

Survey Inspection Requests. School officials shall inform parents of their right to inspect surveys requesting sensitive information before the surveys are distributed to any student. All survey inspection requests must be in writing to the building principal and delivered to the building principal prior to the date on which the survey is scheduled to be administered to the students. The principal shall respond to survey inspection requests without delay.

Physical Examinations. The District will provide parents with notice prior to conducting any physical examination or screening other than routine hearing, vision, or scoliosis screenings.

Parents may refuse to allow their student to participate in any non-emergency physical examination or screening other than those necessary to protect the immediate health and safety of the student, of other students, or as described in a student's IEP or 504 plan.

Collection of Personal Information from Students for Marketing. The term "personal information" means individually identifiable information including the student's and parent(s)' first and last name; home or other physical address; telephone number; and/or social security number.

No school official or staff member shall administer or distribute to students a survey or other instrument for the purpose of collecting personal information for marketing or for selling that information.

This policy does not apply to the collection, disclosure or use of personal information for the exclusive purpose of providing educational services to students, such as post-secondary education recruitment; military recruitment; tests and assessments to provide cognitive, evaluative, diagnostic or achievement information about students; and/or student recognition programs.

Inspection of Instructional Material. The term "instructional materials" means instructional content that is provided to a student regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet).

The term does not include academic tests or academic assessments. Parents may inspect, upon their request, any instructional material used as part of their child's education curriculum. Curriculum inspection requests must be made to the building principal in writing. Building principals shall respond to inspection requests within a reasonable amount of time.

Notification of Rights and Procedures. The superintendent shall notify parents of:

- this policy and its availability upon request from the office of the district;

- how to opt their child out of participation in activities as provided for in this policy;

- the approximate dates during the school year when a survey requesting personal information is scheduled or expected to be scheduled; and
- how to request access to any survey or other material described in this policy.

This notification shall be given to parents at least annually, at the beginning of the school year and within a reasonable period after any substantive change in this policy.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5016

Student Records

The school district shall manage student records and reports as is necessary for effective administration and in compliance with law. In general "student records" shall not include transitory communications such as e-mail, text messages, handwritten communication between school and home, and the like, and these items will not generally be maintained by the district. "Student records" also shall not include any records created and maintained by the district's law enforcement unit for a law enforcement purpose.

For purposes of the district's compliance with state and federal law, the district "maintains" student records which are printed and kept in the student's physical file or which school district staff have intentionally saved within the official school district digital student information system that specifically identifies the student for whom those records are maintained. The school district may also use learning management systems, which deliver and manage instructional content. The school district maintains student records within its student information system but not in its learning management system. The official school district student information system is Infinite Campus.

Students or their parents, guardians, teachers, counselors, or school administrators shall have access to the school's files or records maintained concerning themselves or their students. For purposes of this policy, "teachers" include paraeducators and volunteers who are providing educational services to a student on behalf of the School District. A school official may access, maintain, and use education records containing personally identifiable information (PII) when he or she has a legitimate educational interest in such. "School official" includes any agent, volunteer, or contractor performing an institutional service or function for which the school would otherwise use its own employees and who is under the school district's direct control with respect to their access to, maintenance of, and use of PII from student records. For example, a school official may include, but would not be limited to, a teacher or other educator, administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); school board member; volunteer; contractor or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, representative of the district's insurance providers, auditor, medical consultant, therapist, or a third-party website operator who has contracted with the school district or its agent to offer online programs for the benefit of students and/or the district; members of law enforcement acting on behalf of the school district; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a "legitimate educational interest" if the official needs to review an education record in order to fulfill a school- related professional, contractual, statutory, or regulatory responsibility.

All disciplinary material shall be removed and destroyed upon the pupil's graduation or after the pupil's continuous absence from the school for a period of three years.

Upon request, the school district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

Outside agencies such as physicians, probation officers, psychologists, child guidance clinics, and other agencies concerned with child welfare who are working directly with a child may have access to information pertaining to that child with written parental consent or upon issuance of a valid court order.

Each year, the school district will notify parents and guardians of their rights under this policy and the Family Educational Rights and Privacy Act. By November 1st each year, in compliance with state law, each school district will compile and provide a list of students by name in grades seven to twelve, along with their mailing addresses, to the executive director of the Board of Regents and to each technical college within the state. In accordance with the No Child Left Behind Act and the National Defense Authorization Act, the district is also required, with some exceptions, to disclose directory-type information (students' names, addresses, and telephone listings) to military recruiters, as well as to recruiters from colleges and universities. Parents have the right to opt out of this disclosure by notifying the school district that they do not wish to release directory information about their student. The district will maintain records in Infinite Campus indicating parental opt-out preferences and will share directory information with military branches and postsecondary institutions as required by law.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed: _____

5016.1

Security Footage

The District has installed security cameras on the school grounds, buildings and on the school buses. All footage remains the property of the District and may not be shown or distributed to non-school personnel, students, parents or community members unless otherwise required by law.

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Revised: _____
Reviewed: _____

5017

Routine Directory Information

The school district shall disclose the following as routine directory information pertaining to any past, present or future student who is, has been, or will be regularly enrolled in the district.

- Name and grade
- Name of parent and/or guardian
- Address
- Telephone number, including the student's cell phone number
- E-mail address
- Date and place of birth
- Dates of attendance
- The image or likeness of students in pictures, videotape, film or other medium
- Major field of study
- Participation in activities and sports
- Degrees and awards received
- Social media usernames or handles
- Weight and height of members of athletic teams
- Most recent previous school attended
- Certain class work which may be published onto the Internet
- Classroom assignment and/or home room teacher
- Student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only the authorized user.

Directory information does not include a student's social security number.

Upon request, the district will provide military recruiters and institutions of higher education with the names, addresses, and telephone numbers of high school students unless a student's parents have notified the district in writing that they do not want this information disclosed without their prior written consent. Military recruiters will be granted the same access to a student in a high school grade as is provided to postsecondary educational institutions or to prospective employers of such students.

Within 30 days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within 30 days following such enrollment, the district will notify parents and guardians each year of their rights under this policy and the Family Educational Rights and Privacy Act. Parents will be given an opportunity to prevent the release of this directory information by filing a written objection with the district.

When a student reaches 18 years of age, the permission or consent required of and the rights accorded to the parents or guardians of such student under this policy shall

only be required of and accorded to such student. Within 30 days prior to or following the commencement of each school year and, for a new student who enrolls after the commencement of a school year, within 30 days following such enrollment, each school district shall notify each student who is at least 18 years of age or who will reach 18 years of age during such school year of (1) the option to make a written request to the school district that routine directory information for such student not be released in response to a request made by a military recruiter without such student's written consent and (2) that any such request made previously by a parent or guardian for such student expires upon the student reaching 18 years of age.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5018

Parent and Guardian Involvement in Education Practices

The school district recognizes the importance of parental and guardian involvement in the education of their children. The school district will take the following steps to ensure that the rights of parents and guardians to participate in the education of their children are preserved.

Parental Access to Curricular Materials

Parents/Guardians will be provided access, as described in district procedures, to district-approved textbooks and other curricular materials and tests used in the district upon request. A parental request to review specific approved textbooks and other district- or building-approved curricular materials (written, visual, and audio) should be made to the principal of the building where the textbooks and curriculum materials are used. Parents may check out textbooks and may review curricular materials such as video and audio recordings within a time frame determined by the building principal to prevent disruption of the instructional process.

Parental Access to Tests

A parental request to review specific standardized and criterion-referenced tests can be made to the District Assessment Coordinator. In the case of other secure tests such as the ACT, parents must contact the publisher to obtain copies of the test.

Attendance of Classes and Other Activities

Parents/Guardians will be permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities. Parents/guardians are invited to make appointments with the building principal to visit classes, assemblies and other instructional activities. The principal shall give permission after determining that parental/guardian observation would not disrupt the activity. Observations that last more than 60 minutes or occur on consecutive days are typically disruptive and will not be permitted absent unusual circumstances, in the sole discretion of the building principal. Parents/guardians may contact the building principal to request permission to attend counseling sessions in which their child is involved.

Excusal from School Experiences

Parents/guardians will be permitted, within district procedures, to ask that their children be excused from school experiences that parents find objectionable. Building principals may excuse a student from any single school experience at the parent's written request. When appropriate, alternative experiences will be provided for the student by the school.

Notices to Parents

Parents/guardians will be informed through the student handbook and district policies of the manner that the district will provide access to records of students.

Parents/guardians will be informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.

Parents/guardians will be informed of the circumstances under which they may opt-out of federal assessments. In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents/guardians of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

State and National Assessments

The District cannot approve requests to opt out of state assessments. South Dakota law does not provide an avenue for such requests.

National Assessment of Educational Progress

As a condition of receiving federal funds, the District participates in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. However, student participation in NAEP is voluntary.

The District shall provide parents/guardians of eligible students with reasonable notice prior to the exam being administered. Parents/guardians wishing to opt their students out of the NAEP assessment must notify the district in writing at least three days prior to the exam date to ensure that the District can coordinate supervision and alternative activities for students who have opted out.

Removal from Surveys

Parents/guardians will be notified of their right to remove their children from surveys prior to district participation in surveys. The principal must approve all surveys intended to gather information from students before they are administered to students. Students' participation in surveys is voluntary. Parents/guardians may restrict their child from participating in any survey.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed: _____

5019

Communicating with Parents

The school district will make reasonable efforts to keep parents informed of student progress, grades, and attendance through report cards, progress reports, and parent/teacher conferences. The school district will notify parents if their students are failing or close to failing, either through communication from the school or through parental access to the district's student information system. The school district will endeavor to notify parents of failing students prior to entry of the failing grade on the student's report card. Parents will also be notified of their student's possible failure to meet graduation requirements. Other pertinent information will be communicated to parents by mail, electronic communication, telephone calls, by personal contact or other appropriate method. Official transcripts of student progress, grades, and attendance will be sent to other school systems upon the student's transfer when the district receives a written request signed by the student's parent or guardian or upon being notified that the student has enrolled in another school. By providing the school district with their telephone number(s), parents agree to receive notifications from the school district's automatic notification system.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5020

Rights of Custodial and Non-Custodial Parents

The school district will honor the parental rights of natural and adoptive parents unless those rights have been altered by a court.

The term "custodial parent" refers to a biological or adoptive parent to whom a court has given primary physical and legal custody of a child, and a person such as a caseworker or foster parent to whom a court has given legal custody of a child.

The district will not restrict the access of custodial and non-custodial parents to their students and their students' records, unless the district has been provided a copy of a court order that unambiguously prohibits access to the records or child by either parent. If the district is provided such a court order, school officials will follow the directives set forth in the order.

The district will provide the custodial parent with routine information about his or her child, including notification of conferences. The district will not provide the non-custodial parent with such information on a routine basis, but will provide it upon the non-custodial parent's request unless it has been denied by the courts.

A non-custodial parent who wishes to attend conferences regarding his or her child will be provided information about conference times so both parents may attend a single conference. The district is not required to schedule separate conferences if both parents have been previously informed of scheduled conference times.

If either or both parents' behavior is disruptive, staff members may terminate a conference and reschedule it with appropriate modifications or expectations.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5021

Student Provided Transportation

Students below 9th grade will not be allowed to drive motorized vehicles to or from school or any school activity unless they are accompanied by their parent(s)/legal guardian(s) and have been issued a driving license by the State of South Dakota. This policy applies regardless of the time of day the travel would take place.

Students may use rollerblades, skateboards, or bicycles to travel to and from school. Students may not use rollerblades, skateboards, and bicycles recreationally on school district property or at any school function.

Adopted: July 11, 2022
Revised: _____
Reviewed: _____

5022

Investigations, Arrests, and Other Student Contact by Law Enforcement and Department of Human Services

The school district and its administrators and staff desire to maintain a positive working relationship with law enforcement officers and other representatives of governmental bodies in the discharge of their duties. However, this desire must be balanced against other equally important factors such as a student's legal rights, ensuring that a student's time spent in school is for education, and acknowledging that the school stands *in loco parentis* to the students.

"Law enforcement officer" means police officers, county sheriffs, state patrolmen, Department of Human Service workers, Child Protective Services workers, Office of Juvenile Services workers, probation officers, U.S. Immigration and Customs Enforcement (ICE) agents, Federal Bureau of Investigations agents, or any other government investigatory workers.

"Parent" means the biological or adoptive mother or father, guardian, responsible relative, or any other person who has claimed legal or actual charge or control of the student pursuant to South Dakota law.

Law enforcement officers are encouraged whenever possible to talk to a student away from the school before or after school hours so as to cause as little disruption as possible to the student's education.

Law enforcement officers may be called to the school at the request of school administration, or they may initiate contact with the school for their own purposes. Contact between the school and law enforcement officers on matters involving students shall be made through the office of the superintendent or building principal and the law enforcement officer. All reasonable attempts should be made to avoid embarrassing the student before his or her teachers and peers, and to avoid disrupting the student's and school's education program. Any questioning by law enforcement officers that is permitted should be conducted in a private room or area where confidentiality can be maintained. This should be an area removed from observation by or contact with other pupils and school personnel.

School staff shall promptly notify the superintendent when a student is questioned, arrested, or removed from school grounds by law enforcement officers.

School Related Criminal Activity

This section applies to alleged or suspected criminal activity that occurs on school grounds; in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee; or at a school-sponsored activity or athletic event.

Law enforcement officers will be allowed to contact and question students at school regarding school related criminal activity as provided below.

The building principal must be notified before a student may be questioned in school or taken from a classroom by law enforcement. The building principal should request identification of the officers, their affiliation with the identified law enforcement agency, and whether their purpose is to interview, interrogate, or take custody of the student.

The building principal will make reasonable attempts to contact a student's parent for their consent and/or presence before the student is interviewed. In the event that a parent cannot be contacted after reasonable attempts, the student will be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee shall be present for such questioning solely to further school purposes or avoid duplication of the investigative process. The student will be brought to a private room and the contact will be made out of sight of others as much as practicable.

If the student is suspected of criminal activity, it is the responsibility of the law enforcement officer to advise a student of his or her rights against self- incrimination.

The building principal shall document steps taken to notify parents, summarize the law enforcement activities, identify the actions taken by the District on behalf of the student, and any further contacts with the law enforcement officer.

Non-School Related Criminal Activity

Law enforcement officials may not question students at school unless parental consent is obtained, or the law enforcement authorities have a warrant or court order.

Taking a Student Into Custody

Law enforcement officers seeking custody of a student must contact the superintendent or building principal. The principal will request the arresting law enforcement officer to provide a copy of the arrest warrant, written parental consent, court order, or other document giving authority to take the student into legal custody. If there is no document presented, the principal should obtain the officer's name, badge number identifying the law enforcement agency, date, time, the reason for the arrest, and the place to which the student is reportedly being taken. Whenever practicable, the arrest or release of the student should be conducted in a location and in a manner that minimizes observation by others.

When a law enforcement officer removes a student from the school, the building principal will take immediate steps to notify the parent about the student's removal and the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse.

Child Abuse and Neglect

When law enforcement officers seek to investigate reports of alleged child neglect or abuse regarding a student, the building principal shall obtain a proper identification from the authorities or officials. If a student interview is conducted on school grounds, the building principal or designee and such other school personnel as appropriate shall

observe the interview.

If the law enforcement officer decides to remove the student from school, school officials shall provide the law enforcement authorities with the address and telephone number of the student's parent or guardian. The principal or other school official shall, as a condition of releasing the student to the law enforcement officer, require the officer to sign a statement certifying that the child is being removed from school premises because he or she is believed to be the victim of child abuse and that the officer understands and will comply with the legal requirements of state law.

Student Records

Student records will be shared with law enforcement officers only as allowed by state and federal law.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5023

Student Illness

Students who suffer from a significant illness or impairment which has an actual or expected duration of six months or more, including episodic impairments, may be eligible for accommodations and supports under Section 504 of the Rehabilitation Act or under the Individuals with Disabilities in Education Act. The school will provide accommodations to students who are returning to school after a prolonged absence due to illness, including pediatric cancer, through a 504 plan or an IEP, as appropriate. The student's plan will include informal or formal accommodations, modifications of curriculum and monitoring by medical or academic staff as determined by the student's IEP team or 504 committee. Parents and staff will engage in ongoing communication about the needs of a student who is facing these circumstances.

Short-Term Illness

Students who become ill at school will be sent to the building office where the school nurse or other school employee will determine the appropriate response. When a child is too ill to remain at school, a school employee will contact the child's parent(s) and make arrangements for the child to be picked up or sent home. If an illness or injury requires immediate medical attention, school officials shall attempt to contact the child's parent(s) regarding treatment for the child. If the parents cannot be contacted, school officials may have the child treated by an available physician. Students who may be a risk to the health of other students or school employees due to the presence of communicable or infectious disease, parasite, etc., may be sent home, and the district may require a physician's statement before allowing such students to return to school.

Parents must annually complete and submit emergency contact information for each child enrolled in the district. Information shall include parental contact information, emergency contact identification and contact information, and any necessary emergency instructions.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY PANTHERS

5023.1

Emergency Medical Treatment

If a child becomes ill or is injured while at school or while being supervised by a member of the school district's staff, the staff member shall take reasonable steps to render assistance and, when appropriate, summon medical assistance. Staff will notify a student's parent, guardian, or emergency contact when a student needs medical attention.

The school district is not qualified under law to comply with directives to physicians limiting medical treatment and will not accept such directives. School district staff members will not honor "do not resuscitate/do not intubate" (DNR/DNI) orders, requests for transport to particular medical facilities, and any similar requests. Parents/Guardians must arrange for all such requests with rescue squad and medical providers directly.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5023.2

Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (ANAPHYLAXIS)

The District will not maintain its own stock of epinephrine auto-injectors (epi-pens) or nasal spray except as required by state or federal law.

Adopted: July 11, 2022
Revised: August 10, 2026
Reviewed:_____

5023.3

Lice and Nits

Students found to have head lice, louse eggs, or nits will not be permitted at school and will be sent home. Upon discovering the presence of any indication of lice, louse eggs, or nits, the student's parent(s) or guardian(s) will be notified, and if appropriate will be asked to pick up the student from school immediately.

Students will not be permitted to return to school until the district finds that no live lice, eggs, or nits can be detected. The parent(s) or guardian(s) will be required to treat the student and accompany the student to school to be examined.

The student cannot ride the school bus until the district has cleared the student to return to school.

Adopted: July 11, 2022
Revised: August 17, 2026
Reviewed:_____

5024

Medication of Students

Whenever possible, parents should arrange medication schedules to eliminate the need for giving medication during school hours.

Prescription medication. Parents/guardians must provide a physician's written authorization for the administration of the medication. Parents/guardians must provide their own written permission for the administration of the medication. The medication must be brought to school in the prescription container and must be properly labeled with the student's name, the physician's name, and directions for administering the medication.

Non-prescription medication. Parents/guardians must provide written permission for the administration of the medication. The medication must be brought to the school in the manufacturer's container. The container must be labeled with the child's name and with directions for provision or administration of the medication.

The district reserves the right to review and decline requests to administer or provide medications that are not consistent with standard pharmacological references, are prescribed in doses that exceed those recommended in standard pharmacological references, or that could be taken in a manner that would eliminate the need for giving them during school hours. The district may request parental authorization to consult with the student's physician regarding any medication prescribed by such physician.

Self-Administration. Students in 8th grade or lower may not self-administer medication. Students in 9th grade or higher may self-administer medication in accordance with the manufacturer's instructions. Students who violate this policy are subject to disciplinary action.

Medical Cannabis. Medical cannabis is not considered a "medication" under this policy. Medical Cannabis is addressed by Policy 3055.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5024.1

Self-Management of Asthma and Anaphylaxis

Any student with asthma or anaphylaxis may possess and self-administer a prescribed inhaled bronchodilator or auto-injectable epinephrine ("medication") consistent with this policy, the student's prescription as indicated by the prescription label on the medication, and any written instructions from the student's physician or other licensed health care provider.

In order to self-manage the student's condition pursuant to this policy, the parent of a student with asthma or anaphylaxis must provide to the district:

- A written statement signed by the parent that:
    - Authorizes the student to self-administer the medication while on school property or at a school-related event or activity.
    - Releases the district and its employees and agents from liability for any injury arising from the student's self-administration of prescription medication while on school property or at a school- related event or activity, except in cases of wanton or willful misconduct.
- A written statement signed by the student's prescribing physician or other licensed health care provider that states that:
    - The student has asthma or anaphylaxis, or both, and is capable of self-administering the medication;
    - The name and purpose of the medication;
    - The prescribed dosage for the medication;
    - When the medication may be administered; *and*
    - The period for which the medication is prescribed.

The district may impose disciplinary consequences on a student who uses his or her medication other than as prescribed. These disciplinary consequences shall not include limitations on the student's access to necessary medication.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY PANTHERS

5024.2

Self-Management of Diabetes

Students with diabetes may carry and self-administer prescribed diabetes medication and use necessary equipment and supplies at school or school-related activities, consistent with this policy.. Self-administration is permitted only if:

1. The student has been diagnosed with diabetes by a licensed health care provider, and the medication has been prescribed for that student as indicated by the prescription label or prescriber's school orders.

2. The student's parent or guardian must provide the school:

    a. Written authorization allowing the student to self-administer diabetes medication and to possess and use related equipment and supplies; and

    b. A written statement releasing the school district and its employees and agents from liability for any injury arising from the student's self-administration of medication or use of related equipment and supplies, unless in cases of wanton or willful misconduct.

3. The school must receive a written statement signed by the student's physician or other licensed health care provide that includes:

    a. Confirmation that the student has diabetes and is capable of self-administering and managing the medication;

    b. The name and purpose of the medication;

    c. The prescribed dosage;

    d. The times or circumstances under which the medication is to be administered;

    e. The period for which the medication is prescribed; and

    f. Any related equipment and supplies the student is authorized to possess and use.

This statement will be maintained in the student's educational record.

Adopted: July 11, 2022
Revised: August 10, 2026
Reviewed:_____

5025

Student Insurance

The school district is not an insurer of student safety, and parents are encouraged to secure insurance covering their students' healthcare needs, including catastrophic coverage for injuries which may be sustained while participating in the District's education program. The school district may disseminate information about insurance plans available for purchase by parents for their students from third party vendors.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5031

Student Appearance

Any manner of dress, hair style, make up, cleanliness, or personal appearance that constitutes a threat to the safety, health, welfare, or morals of the student or others; violates any statute; interferes with the education process, or school officials can reasonably predict will interfere with the education process; or causes or may cause excessive maintenance problems in the school, may be grounds for corrective or disciplinary action. The superintendent or designee may institute specific dress code regulations in any school consistent with board policy.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5032

Closed Campus

The school campus is a closed campus. All students shall remain on the school campus during the hours that school is in session unless released by the building principal, the building principal's designee, or as permitted by this policy. The building principal or designee will release a student only upon confirming that the student has permission from a parent or an authorized adult. Nothing in this policy shall prevent the school from sending a student home when the student is ill.

A student may leave campus during Student Response Block if:

- the student is in good academic standing,
- the student has no missing assignments,
- the student's parents have agreed in writing for the student to leave campus.

In addition, students may leave campus:

- upon completion of their semester tests as permitted by the building principal, or
- as part of an approved curricular activity.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY PANTHERS

5033

Student Driving and Parking

Students who drive to school are required to park their vehicles and leave them unoccupied until it is time to drive home. The speed limit on school property is 15 miles per hour. Students may not drive or have access to their vehicles during the school day without the express permission of their building principal or the superintendent of schools.

Students are to park appropriately and in the assigned areas on school property. Student parking shall not be permitted in bus loading zones. When the buses are loading or unloading, all vehicles must stop and wait for the loading or unloading process to be completed.

By driving a vehicle to school and parking on school grounds, students consent to having that vehicle searched by school officials if school officials have reasonable suspicion that such a search will reveal a violation of school rules.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY
PANTHERS

5034

Handbooks

The student handbook is an extension of these policies and has the force and effect of board policy when approved by the board of education.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5035

Student Discipline

Superintendents, principals, supervisors, and teachers have disciplinary authority over all students while the students are in school or participating in or attending school sponsored activities whether on or off school premises. Superintendents and principals may also discipline students for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs.

Authority to Discipline

The board may discipline, suspend or expel from school any student for violation of rules or policies or for insubordination or misconduct, and the superintendent or principal in charge of the school may temporarily suspend any student as provided by law and this policy.

Weapons and/or Firearms

Students may be disciplined for the possession of weapons and/or firearms pursuant to the board's separate policy on weapons and firearms or state or federal law.

Short-Term Suspension

The Principal or Superintendent may exclude students from school or any school function for a period of up to and including ten school days (short-term suspension) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to short-term suspension:

- 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 facts that form the basis for the suspension.
- The student shall be given the opportunity to respond to the alleged violation.
- If a student is suspended, the principal or superintendent shall give the parent or guardian oral notice of the suspension, if possible. This notice shall be provided directly to the student if the student is 18 years of age or older or an emancipated minor.
- If a student is suspended, the principal or superintendent shall send the parent or guardian a written notice which provides information regarding the student's due process rights. This notice shall be provided directly to the student if the student is 18 years of age or older or an emancipated minor.
- The student may be removed from the school's premises following either the written or oral notice, described above, or if the student's presence poses a continuing threat or danger, in which case the student may be immediately removed from the school and transferred into the custody of a parent or law enforcement.
- Students who are short-term suspended will be given the opportunity to complete classwork.

Long-Term Suspension

Students may be excluded by the superintendent or school board from school or any school function for a period of more than 10 school days up to and including 90 school days (long-term suspension) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to long-term suspension:

- The student may be temporarily suspended at the discretion of the Superintendent if the Superintendent finds grounds for a long-term suspension from a class or classes. This suspension shall follow the procedures set forth above for short-term suspensions.
- The superintendent shall file a sealed, written report with the school board by the end of the fifth school day following the first day of the long-term suspension. The report shall 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 secretary or business manager, sealed and unavailable for review by individual school board members, until the time set for a hearing.
- The superintendent shall send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.
- The superintendent shall also send written notice to the student's parent or to a student who is 18 years of age or older or an emancipated minor of:
    - The rule, regulation, or policy allegedly violated;
    - The reason for the disciplinary proceedings;
    - Notice of the right to request a hearing or waive the right to a hearing;
    - A description of the hearing procedure;
    - A statement that the student's records are available at the school for examination by the student's parent or authorized representative;
    - A statement that the student may present witnesses.
- The student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent.
- If a hearing is requested, the superintendent shall give notice to each school board member of an appeal to the board for a hearing. The superintendent shall set the date, time, and place for the hearing and send notice by first class mail to each school board member and by certified mail, return receipt requested, to the student's parent or to a student who is 18 years of age or older or an emancipated minor.
- If no hearing is requested or the hearing is waived, the action of the superintendent is final.

Hearing Procedure – Long-Term Suspension

The following process applies to any hearing requested and scheduled in relation to a long-term suspension:

- The board shall act as the hearing board and shall conduct the hearing.
- The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer.
- Each party shall be provided the opportunity to make an opening statement.
- Each party shall be provided the opportunity to introduce evidence, present witnesses, and examine and cross-examine witnesses.
- Each party shall be provided the opportunity to be represented by an attorney.
- The school administration shall present its case first.
- The hearing shall be closed to the public. A verbatim record of the hearing will be made and will be sealed pending court order.
- Witnesses shall be present only when testifying. All witnesses must take an oath or affirmation administered by the school board president or business manager.
- Each party may raise objections as to relevancy and scope of the question.
- All relevant evidence shall be admitted, except that unproductive or repetitious evidence may be limited by the hearing officer.
- The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses.
- Each party shall be provided the opportunity to make a closing statement.
- After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation, except that the school board may seek advice during deliberation from an attorney. Consultation with any other person during deliberation may occur only if a representative of the pupil is present.
- The decision of the school board shall be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the pupil and must state the reason for the board's action. The school board shall notify the pupil or the pupil's parents in writing of the decision. The notice must state the length of the suspension or expulsion.
- The student may appeal an adverse decision by the school board to the circuit court.

Expulsion

Students may be excluded by the school board from school or any school function for a period of not more than 12 consecutive months (expulsion) for violation of rules or policies, for insubordination or misconduct, or for aggressive or violent behavior that disrupts school or that affects a health or safety factor of the school or its programs. The following process applies to expulsion:

- The student may be temporarily suspended at the discretion of the Superintendent if the Superintendent finds grounds for expulsion from a class or classes. This suspension shall follow the procedures set forth above for short-term suspensions.
- The superintendent shall file a sealed, written report with the school board by the end of the fifth school day following the first day of the student’s exclusion from one or more classes and request that a hearing be held before the school board. The report shall 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 secretary or business manager, sealed and unavailable for review by individual school board

members, until the time set for a hearing.

- The superintendent shall send a copy of the report to the student's parent or to the student if the student is 18 years of age or older or an emancipated minor at the same time the report is filed with the school board's secretary or business manager.
- The superintendent shall send written notice to the student's parent or to a student who is 18 years of age or older or an emancipated minor of:
    - the rule, regulation or policy allegedly violated;
    - the reason for the disciplinary proceedings;
    - notice of the right to request a hearing or waive the right to a hearing;
    - a description of the hearing procedure;
    - a statement that the student's records are available at the school for examination by the student's parent or authorized representative;
    - a statement that the student may present witnesses;
    - a statement that the student may be represented by an attorney.
- The superintendent shall set the date, time, and place for the school board hearing. The superintendent shall send notice of the hearing to each school board member by first class mail and to the student's parent or to a student who is 18 years of age or older or an emancipated minor by certified mail, return receipt requested. If the superintendent recommends expulsion, the school board must act on the recommendation before it is implemented.
- The student, if of the age of majority or emancipated, or the student's parent may waive the right to a hearing in writing to the superintendent.
- If the hearing is not waived, the hearing shall be held on the date and at the time and place set in the hearing notice unless a different date, time, and place are agreed to by the parties.
- If the hearing is waived in writing, the school board may consider the matter at a regular or special meeting without further notice to the student or the student's parents.

Hearing Procedure – Expulsion

The following process applies to any hearing requested and scheduled in relation to an expulsion:

- The board shall act as the hearing board and shall conduct the hearing;
- The school board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer;
- Each party shall be provided the opportunity to make an opening statement;
- Each party shall be provided the opportunity introduce evidence, present witnesses, and examine and cross-examine witnesses;
- Each party shall be provided the opportunity to be represented by an attorney;
- The school administration shall present its case first;
- The hearing shall be closed to the public. The school board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
- Witnesses shall be present only when testifying. All witnesses must take an oath

or affirmation administered by the school board president, hearing officer or other person authorized by law to take oaths and affirmations;
- Each party may raise any legal objection to evidence;
- All relevant evidence shall be admitted, except that unproductive or repetitious evidence may be limited by the hearing officer;
- The hearing officer may ask questions of witnesses and may allow other school board members to interrogate witnesses;
- Each party shall be provided the opportunity to make a closing statement;
- After the hearing, the school board shall continue to meet in executive session for deliberation. No one other than the hearing officer may meet with the school board during deliberation, except that the school board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of the pupil is present; and
- The decision of the school board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The motion shall omit the name of the student and shall state the reason for the board's action. The school board shall notify the student's parent or parents or a student who is 18 years of age or older or who is an emancipated minor in writing of the decision. The notice shall state the length of the expulsion.
- The student may appeal an adverse decision by the school board to the circuit court.

Early Reinstatement

The board may act to grant the student an early reinstatement allowing the student to return to school before the end of the period of expulsion. Such reinstatement may be granted subject to conditions as the board deems appropriate. The superintendent may determine that a student has met or violated the conditions. The superintendent may revoke the conditional reinstatement opportunity provided by the board by following the process laid out in state law.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5035.1

Firearms and Weapons

Weapons. No student may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. No visitor under the age of 18 may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy.

Definition of Weapon. The term "weapon" means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

For the purposes of this policy, it also includes any facsimile or "look-alike" object if such object is used in a threatening manner or if the person possessing the facsimile/look-alike makes efforts to have others believe it is a functioning weapon.

Firearms. No person may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy.

Definition of Firearm. The term "firearm," as defined in 18 U.S.C. 921, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms. The prohibition against firearms does not apply to:

- Firearms lawfully possessed by a law enforcement official or school sentinel;
- Firearms that may lawfully be possessed by a person who is receiving training at the school under the immediate supervision of an adult instructor;
- The use of a starting gun at an athletic event;
- The lawful possession of a firearm at a gun show authorized by the board to be held on school premises;
- Unloaded firearms which may lawfully be possessed by a person for the purpose of using them as part of a color guard ceremony.

Consequences - Firearm. Any student who brings a firearm, as that term is defined in 18 United States Code 921, to school will be expelled from school for one calendar year. The superintendent of schools and the board of education shall have the authority to modify the expulsion requirement on a case-by-case basis.

Confiscation of Firearms. Administrative and teaching personnel are statutorily authorized, without a warrant, to confiscate any firearm possessed in violation of this policy. By statute, any firearm that is confiscated by school personnel shall be delivered

to a peace officer as soon as practicable. Such firearms are subject to being destroyed by law enforcement authorities.

Report to Law Enforcement Authorities. All school personnel are required to report any violation of this policy to a principal or the superintendent of schools. Pursuant to state and federal law, school personnel are required to report to law enforcement authorities when a student brings a firearm or weapon to school.

Adopted: July 11, 2022
Revised: August 11, 2025
Reviewed:_____

5036

Lockers

Lockers are the property of the school district and students are permitted to use them without charge. The assignment of a locker is on a temporary basis and may be revoked at any time. School officials may inspect student lockers without any particularized suspicion or reasonable cause.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5037

Student Internet and Computer Use

Students are expected to use computers and the Internet as an educational resource. The following procedures and guidelines govern the use of computers and the Internet at school.

Student Expectations in the Use of the Internet

Acceptable Use

- Students may use the Internet to conduct research assigned by teachers.
- Students may use the Internet to conduct research for classroom projects.
- Students may use the Internet to gain access to information about current events.
- Students may use the Internet to conduct research for school-related activities.
- Students may use the Internet for appropriate educational purposes.

Unacceptable Use

- Students shall not use school computers to gain access to material that is obscene, pornographic, harmful to minors, or otherwise inappropriate for educational uses.
- Students shall not engage in any illegal or inappropriate activities on school computers, including the downloading and copying of copyrighted material.
- Students shall not use e-mail, social media, instant messaging, or other forms of direct electronic communications on school computers for any unauthorized or unlawful purpose or in violation of any school policy or directive.
- Students shall not use school computers to participate in on-line auctions, on-line gaming or mp3/mp4 sharing systems.
- Students shall not disclose personal information, such as their names, school, addresses, or telephone numbers outside the school network.
- Students shall not use school computers for commercial advertising or political advocacy of any kind without the express written permission of the system administrator.
- Students shall not publish web pages that purport to represent the school district or the work of students at the school district without the express written permission of the IT Director.
- Students shall not erase, rename or make unusable anyone else's computer files, programs or disks.
- Students shall not share their passwords with fellow students, school volunteers or any other individuals, and shall not use, or try to discover, another user's password.
- Students shall not copy, change or transfer any software or documentation provided by the school district, teachers or another student without permission from the system administrator.
- Students shall not write, produce, generate, copy, propagate or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called, but is not limited to, a bug, virus, worm, or Trojan Horse.

- Students shall not configure or troubleshoot computers, networks, printers or other associated equipment, except as directed by a teacher or the system administrator.
- Students shall not take home technology equipment (hardware or software) without permission of the system administrator.
- Students shall not forge electronic mail messages or web pages.
- Students shall not under any circumstances bypass content filters, monitoring software or other systems in place that provide safe, secure browsing for district devices. This includes the installation of a VPN or other software meant to bypass these systems.

Bring Your Own Device (BYOD)

BYOD is not supported, and personal devices will not be connected to the school's network.

Enforcement

Methods of Enforcement

- The district monitors all Internet communications, Internet usage and patterns of Internet usage. Students have no right of privacy to any Internet communications or other electronic files. The computer system is owned by the school district. As with any school property, any electronic files on the system are subject to search and inspection at any time.
- The school district uses a technology protection measure that blocks access to some Internet sites that are not in accordance with the policy of the school district. Standard use of the Internet utilizes a proxy server-based filter that screens for non-curriculum related pages.
- Due to the nature of filtering technology, the filter may at times filter pages that are appropriate for student research. The system administrator may override the technology protection measure for the student to access a site with legitimate educational value that is wrongly blocked.
- The school district staff will monitor students' use of the Internet through direct supervision and by monitoring Internet use history to ensure enforcement of the policy.

Consequences for Violation of this Policy

Access to the school's computer system and to the Internet is a privilege, not a right. Any violation of school policy and rules may result in:

- Loss of computer privileges;
- Short-term suspension;
- Long-term suspension or expulsion in accordance with South Dakota law; and
- Other discipline as school administration and the school board deem appropriate.

Students who use school computer systems without permission and for non- school purposes may be guilty of a criminal violation and will be prosecuted.

Children's Online Privacy Protection Act (COPPA)

The school will not allow companies to collect personal information from children under 13 for commercial purposes. The school will make reasonable efforts to disable advertising in educational computer applications. This policy allows the school to act as an agent for parents in the collection of information within the school context. The school's use of student information is solely for education purposes.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5038

Alternative Instructional Settings

The administration will review student behavior and may recommend to the School Board that a student be assigned to an alternative instructional setting based on the student's behavior. The School Board may assign a student to an alternative instructional setting if the student engages in aggressive or violent behavior that disrupts the school or affects the health or safety of students, staff, or the school program. The student will continue to receive instruction in the alternative setting.

Adopted: August 10, 2026
Revised:_____
Reviewed:_____

5039

Fundraising Activities

All fundraising activities shall require authorization by an administrator.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5041

Student Council

Students are encouraged to formulate and participate in elective and representative student government activities. The organization, operation and scope of the student government shall be administered by the superintendent or designee.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5042

Bulletin Boards

Bulletin boards and other electronic publishing spaces of the district may be provided for the use of students and student organizations for purposes of notifications related to student activities and student groups. The following general limitations apply to all posting or publishing:

1. All postings must be approved by the appropriate building principal or designee. Students may not post any material containing any statement or expression that is libelous, obscene, or vulgar; that would violate board of education policies, including the student code of conduct; or that is otherwise inappropriate for the school environment.

2. All postings must identify the student or the student organization posting or publishing the notice.

3. Published material may be removed after a reasonable time.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY PANTHERS

5043

School-Sponsored Publications

School-sponsored student publications and electronic media productions are part of the school district's instructional program. The board of education supports the development of student communication skills through school- sponsored newspapers, annuals, magazines, and electronic media including computer, video and digital productions.

Student publications and productions must conform to all good scholastic and professional journalistic standards. The board delegates to the superintendent of schools the right to prohibit dissemination of any school-sponsored publication or media production that does not conform to these standards, or which the superintendent or designee deems inappropriate for the school environment.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5045

Student Fees

Fees assessed to students may include, but are not limited to, those related to overdue materials, misused or damaged school property, or materials needed for curricular or extracurricular courses or activities unless prohibited by law.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5052

School Wellness Policy

The school district is committed to providing a school environment that enhances learning and the development of lifelong wellness. The goals outlined in this policy were determined and selected after reviewing and considering evidence-based strategies.[1]

Goals for Nutrition Promotion and Education

- The district will promote healthy food and beverage choices for all students, as well as encourage participation in school meal programs by such methods as implementing evidence-based healthy food promotion techniques through the school meal programs and promoting foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.
- The health curriculum will include information on good nutrition and healthy living habits. Teachers will incorporate information on nutrition and wellness into the classroom curriculum as appropriate.
- The district will collaborate with public and private entities to promote student wellness.
- Water will be made available to students throughout the school day.

Goals for Physical Activity

- The school district's curriculum shall include instruction on physical activity and habits for healthy living.
- Students will be encouraged to engage in physical activities throughout the school day and will be provided with opportunities to do so.
- The district encourages parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

Goals for Other School-Based Activities Designed to Promote Student Wellness

- The district will participate in state and federal child nutrition programs as appropriate.
- The district will provide professional development, support, and resources for staff about student wellnss.
- Students will be provided sufficient time in which to eat school-provided meals.
- The district's lunchrooms will be attractive and well-lighted.
- The district will allow other health-related entities to use school facilities for activities such as health clinics and screenings so long as the activities meet the district's requirements and criteria for the use of facilities.
- The district may partner with other individuals or entities in the community to support the implementation of this policy.
- The district will strive to provide physical activity breaks for all students, recess for elementary students, and before and after school activities, as well as encourage students to use active transport (walking, biking, etc.)
- The district will use evidence-based strategies to develop, structure, and support student wellness.

Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

- The district will ensure that student access to foods and beverages meet federal, state and local laws and guidelines including, but not limited to:
    - USDA National School Lunch and School Breakfast nutrition standards
    - USDA Smart Snacks in School nutrition standards.
- The district will offer students a variety of age-appropriate, healthy food and beverage selections with plenty of fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements in order to promote student health and reduce childhood obesity.

Standards for All Foods and Beverages Provided, But Not Sold to Students During the School Day

The district may provide a list of healthy party ideas or food and beverage alternatives to parents, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The district discourages the use of food and beverages as a reward or incentive for performance or behavior.

Food and Beverage Marketing

Marketing and advertising are only allowed on school grounds or at school activities for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards, except as follows:

- This requirement does not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events.
- The district will not immediately replace menu boards, coolers, tray liners, beverage cups, and other food service equipment with depictions of noncompliant products or logos to comply with the new USDA Smart Snacks in Schools nutrition requirements. All previously purchased products will be used, and all existing contracts honored.
- All equipment that currently displays noncompliant marketing materials will not be removed or replaced (e.g., a score board with a Coca-Cola logo). However, as the district reviews and considers new contracts, and as scoreboards or other such durable equipment are replaced or updated over time, any products that are marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards

Public Participation

Parents, students, representatives of the school food authority, teachers, school health professionals, board members, school administrators, and members of the general public shall be allowed to provide their input to the school district during the wellness policy adoption and review process.

Competitive Foods (Includes Food and Beverages Sold in Vending Machines, School Stores, and Fundraisers)

- Definitions. "Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the Richard B.

Russell National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day. For the purpose of competitive food standards implementation, "school day" means the period from the midnight before to 30
minutes after the end of the official school day.

- Applicability. Except as otherwise allowed by the South Dakota Department of Education or applicable law, all competitive foods sold during the school day must meet the USDA Smart Snacks Standards and the nutrition standards found in 7 CFR § 210.11. The competitive food restrictions do not apply to food sold during non-school day hours, weekends, or off-campus fundraising events such as concessions during after-school sporting events, school plays or concerts; or to bulk food items that are sold for consumption at home. (Ex: frozen pizzas, cookie dough tubs, etc.)
- Fundraiser food or beverages are NOT exempt from the USDA Smart Snacks in School nutrition standards. Therefore, if food is sold as a fundraiser: (See "Exempt Fundraisers" below.)
    - It shall not be sold in competition with school meals in the food service area during the meal service.
    - It shall not be sold or otherwise made available to students anywhere on school premises during the period beginning one half hour prior to the serving period for breakfast and/or lunch and lasting until one half hour after the serving of breakfast and/or lunch.
    - The sale of food items during the school day shall meet the USDA Smart Snacks in School nutrition requirements
    - This restriction does not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as concessions during after-school sporting events, school plays or concerts; or to bulk food items that are sold for consumption at home. (Ex: frozen pizzas, cookie dough tubs, etc.)

Exempt Fundraisers

School-sponsored groups and clubs such as HS Student Council, MS Student Council, FBLA, FCCLA, HOSA, etc. may each have one exempt fundraiser per school year during the school day on the school campus if approved by their administrator and the School Lunch Program Administrator. Non school-sponsored groups cannot have fundraisers involving unallowable foods during the school day. Each exempt fundraiser can only last for one day. Exempt fundraisers cannot be given to another group. If an organized group chooses not to have an exempt fundraiser, another group cannot use that day. Food cannot be ordered for delivery during the school day as a fundraiser, unless that is the school sponsored group's exempt fundraiser. This would include any food ordered at any time and delivered to the student(s) during the school day.

- School campus is defined as the property under the jurisdiction of the school that are accessible to students during the school day.
- School day is defined as the period from the midnight before to 30 minutes after dismissal in each building.

Triennial Assessment

The school board shall assess and review this policy at least every three years to determine:

- Compliance with this policy;

- How this policy compares to South Dakota DOE model wellness policies;
- Progress made in attaining the goals of this policy.

The school board will update or modify this policy as appropriate.

Public Notice

The school district will provide notice of this policy at least annually to the public and other stakeholders identified in this policy by one or more of the following methods: on its webpage, in its newsletter, in the student and employee handbooks, newspaper advertisements, direct mailings, electronic mail, and public postings.

The school district will provide notice of the Triennial Assessment and progress reports towards meeting the goals in this policy using one or more of those same methods.

Recordkeeping

The District will retain records to document compliance with the requirements of the wellness policy at its central office.

Operational Responsibility

The superintendent is responsible for coordinating the implementation of this policy and for monitoring the district's progress in meeting the goals established by this policy. The superintendent will periodically report to the board on the district's progress in implementing this policy.

Adopted on: July 11, 2022
Revised on: August 11, 2025
Reviewed on:

5054

Student Bullying

Definition of Bullying. South Dakota statute defines bullying as:

> "A pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking [as defined by state law], physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:
>
> - Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
> - Substantially interferes with a student's educational performance; or
> - Substantially disrupts the orderly operation of a school.
>
> Bullying also includes retaliation against a student for asserting or alleging an act of bullying."

The Centers for Disease Control and Prevention defines bullying as:

> "Any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated."

The school district's administrators will consider these definitions when determining whether any specific situation constitutes bullying. These definitions include both in-person and cyberbullying behaviors.

Bullying Prohibited. Students are expected to behave in a civil manner in compliance with the law and all school rules. Students are prohibited from engaging in any form of bullying behavior.

Reporting Bullying. Students who experience or observe bullying behavior must immediately report what happened to a teacher or administrator. Students can use the district's anonymous platform to make this report. Students may always confer with their parents or guardians about bullying they experience or witness, but the students must also ultimately report the situation to a teacher or administrator.

Bullying Investigations. School district staff will investigate allegations of bullying using the same practices and procedures that the district observes for student disciplinary matters. In no circumstance will school district staff be deliberately indifferent to allegations of bullying, whether occurring within a school

building, aboard a school bus, at a school bus stop, or at a school-sponsored event.

Disciplinary Consequences. The disciplinary consequences for bullying behavior will depend on the frequency, duration, severity and effect of the behavior. A student who engages in bullying behavior that materially and substantially interferes with or disrupts the educational environment, the district's day-to-day operations, or the education process, regardless of where the student is at the time of engaging in the bullying behavior, may be subject to discipline to the extent permitted by law.

Support for Students Who Have Experienced Bullying. Regardless of where the bullying occurred, the district will consider whether victims of bullying are suffering an adverse educational impact and, if appropriate, will refer those students to the district's student assistance team.

Bullying Prevention and Education. Students and parents are encouraged to inform teachers or administrators orally or in writing about bullying behavior or suspected bullying behavior. School employees are required to inform the administrator of all such reports. The appropriate administrator shall promptly investigate all such reports. Each building shall engage in activities which educate students about bullying, bullying prevention and digital citizenship.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5056

Free Expression by Students

The board of education recognizes that students do not shed their constitutional rights at the schoolhouse gate. However, the board of education is responsible for balancing those rights against its responsibility to provide a program of education for students in this district. The board is authorized to preserve order so that the system may function properly.

Students may not engage in any expressive conduct that causes a material and substantial disruption to the educational program; that is lewd, obscene, profane, defamatory, threatening or contains "fighting words;" that advocates the use of substances that are illegal to minors; that incites violence or constitutes a "true threat;" or that urges the violation of law or school rules. Violators will be disciplined in accordance with law and board policy.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5057

District Title I Parent and Family Engagement Policy

The school district will jointly develop with parents a School-Parent- Student Compact that outlines how the parents, school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.

The written District Parent and Family Engagement Policy will be jointly developed and distributed to parents and family members of participating children and the local community in an understandable format and to the extent practicable, in a language the parents can understand. An annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy and to remove barriers to participation.

The school district recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program shall include, but is not limited to:

1. An annual meeting to which all parents of participating children will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and the right of the parents to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled, based upon need and interest for such meetings.

2. An explanation of the details for the child's and parents' participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and the achievement levels of the challenging State academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other Federal, State, and district programs, and evaluations of progress.

3. Opportunities for participation in parent involvement activities such as training to help parents work with their children to improve achievement. A goal of parent activities is to provide parent with opportunities to participate in decisions relating to the education of their students, where appropriate.

4. The district will, to the extent practicable, provide parents of limited English proficiency, parents with disabilities, parents with limited literacy, are economically disadvantaged, are of a racial or minority background or parents of migratory children with opportunities for involvement in the Title I Program. Communication to parents about student progress and the district's other Title I Program communications will be provided in the language used in the home to the extent practicable. Responses to parent concerns will be

provided in a timely manner.

5. Opportunities for parent-teacher conferences, in addition to those regularly scheduled by the school district, if requested by the parents or as deemed necessary by school district staff.

6. The district will coordinate and integrate parental involvement programs and activities with other programs in the community. These may include cooperation with other community programs such as Head Start and preschools and other community services such as the public library.

7. Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of contributions of parents, how to reach out to, communicate with and work with parents as equal partners.

This policy shall be reviewed annually at the annual meeting where concerned parties can have a conversation about possible changes to the Parent and Family Engagement Policy.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5064

Supplement, Not Supplant

The district will use Title I, Title II, Title IV, and any other funds subject to Supplement, not Supplant requirements as required by law. The district will use said funds to Supplement, not Supplant, state and local funds that would, in the absence of such funds, be spent on Title programs. The district will ensure that Title funds will not be used to provide services which otherwise take the place of public education services that are to be provided to all students.

The district maintains records of the professional development provided at the district level that is funded with Title funds. The Superintendent will ensure that professional development is aligned with the needs of the district's Title programs. Title professional development will not duplicate that which the district provides for non-Title purposes which, in the absence of Title funds, would be provided to all staff.

Adopted: July 11, 2022
Revised: September 11, 2023
Reviewed:_____

5066

Early Graduation

General Policy. Students must effectively obtain the skills and experience necessary to graduate from high school by completing grades 9 through 12 over the course of 4 years. Unless otherwise permitted by Board policy or other applicable law, students must finish all 4 grade levels in order to graduate.

Requirements for Application. In unique circumstances, the Board may waive the four-year attendance requirement for high school graduation, provided that the student has met the requirements of this policy.

Students must make an application to the high school principal before they may seek permission to graduate early from the Board. The principal may consult with appropriate instructional and guidance staff members in making the determination. The student's application must include proof that the student will meet all academic requirements necessary to graduate on or before the proposed graduation date.

The student may submit any additional materials which support the student's efforts to graduate early. Such materials may include but are not required to include: letters of support from parents, staff, and/or community members; proof of admission in a postsecondary program; and/or any other materials which the student believes to support the student's application.

Consideration by the Board of Education. The principal will make a written recommendation to the Board based on the submitted application from the student. The Board will consider but is not bound by the principal's recommendation. Along with the application, the Board may consult with members of the administration, staff, or anyone else the Board deems appropriate. The Board will grant a student's application only if it determines that the student is best served by permitting the student to graduate early.

Participation in District Activities. Early graduates will be considered graduates of the district at the time the Board confers such status upon them. Therefore, early graduates will no longer be considered members of the student body and will forfeit those rights and privileges accorded such students.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

5067

Student Assistance Team Process

The school district uses general education student assistance teams (SATs). SATs consider and create problem-solving and intervention strategies to assist classroom teachers to meet the needs of students who may be struggling in the general curriculum or who are struggling to comply with the student code of conduct or to meet acceptable behavioral and social norms.

All teaching staff must:

1) Support the SAT process by appropriately referring students who may benefit from the SAT process; and

2) Faithfully and consistently implementing the intervention strategies recommended by the SAT.

The failure to support the SAT process is a serious matter and may constitute just cause for terminating or canceling a teacher's employment.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6001

School Organization

The school district shall be organized under a system whereby junior kindergarten through 3rd grade shall be designated the elementary school, 4th and 5th grades shall be designated upper elementary, grades 6 through 8 shall be designated the middle school, and grades 9 through 12 shall be designated the high school.

Administration

Acting with the approval of the superintendent and upon the advice of central office administrators and district directors, each principal will be the chief administrator of his/her school. All personnel assigned to his/her building will be directly responsible to him/her. Staff members who work in more than one school will be responsible to the principal of the school during the time they are working in his/her building. The principal is charged with the supervision and direction of the staff and the students assigned to the building.

The building principal will see that the policies and regulations of the district, the directives of its officers, and the guidelines for the instructional program are observed. Within the framework of board policies and regulations set by the superintendent, the principal may establish and enforce such regulations as he/she deems advisable for the efficient operation of his/her school.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6002

School Calendar

The superintendent shall propose the calendar for each school year. The board will approve and/or amend the proposed calendar. The calendar shall provide for sufficient instructional time to meet or exceed the requirements of state statutes and regulations, and should provide time for staff orientation, in- service and curriculum work.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6003

Instructional Program

1. The minimum number of instructional hours in the school year will be 962.5 for middle school and high school students, 875 for elementary students, and 437.5 for kindergarten students, exclusive of lunchtime.

2. The district may establish special programs for individual students that may deviate from these requirements. All special programs must either be adopted pursuant to applicable law or approved by the superintendent in advance. Prior to the district's commencement of a specialized program, the district will provide the student's parents or guardians with notice of the program.

3. The board, acting with the advice of the administration and certified staff, will adopt a curriculum and procure textbooks and materials to support that curriculum. The administration and certified staff will design instructional strategies and assessments to implement the curriculum.

4. To the extent possible, practice for, travel to, and participation in activities sponsored by the South Dakota High School Activities Association and the South Dakota Department of Education will be scheduled outside of instructional time. Individual student absences because of illness or family- centered activities will be governed by district attendance policies.

5. The board intends to strike a sensible balance between the time spent on academics and time spent on extra-curricular activities, acknowledging that both work and play are important in each student's total development and education.

Adopted: July 11, 2022
Revised:_____
Reviewed: July 13, 2026

6004

Curriculum Development

The superintendent or his/her designee shall be responsible for providing and directing system-wide planning for curriculum, instruction, assessment and staff development.

The curriculum shall be standards-driven and accountability-based. The standards shall be the same as the measurable model academic content standards adopted by or required by the State Board of Education and shall cover at least the same grade levels required by the State Board. The curriculum shall be articulated to include all programs and grade levels offered within the district, K-12 and, if applicable, shall include a preschool program. The curriculum shall reflect the comprehensive plan of the school district. All professional staff members are responsible for implementing the curriculum.

The superintendent or his/her designee will present this curriculum to the board for approval or modification.

The superintendent shall be responsible for establishing curriculum guides to articulate and coordinate the written curriculum, and to provide consistency of the written curriculum from one level of the district to the next. Curriculum guides shall provide for the development of the school district's curriculum and shall set academic standards, identify essential educational outcome criteria, and provide for the implementation, monitoring and evaluation of student learning.

Teachers are responsible for following the curriculum guides and teaching the adopted curriculum. Principals are responsible for monitoring the curriculum and evaluating teachers to ensure that they are teaching in compliance with the curriculum guides and adopted curriculum. The superintendent and his/her designee shall ensure that principals monitor the curriculum and evaluate teachers.

Curriculum and Textbook Adoption

The District will adopt curriculum through the curriculum adoption process. The committee will include the Director of Curriculum, teachers who will use the textbooks, and various other administrators and staff members as needed. The committee will select curriculum resources:

- that will advance the educational goals of the District and particular program;
- consistent with the standards as determined by the South Dakota Board of Education Standards; and
- which will establish framework for the particular program.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6005

Academic Credits and Graduation

A student must earn at least 23 credits in grades 9 through 12 to graduate. The credits must include:

- Four units or more of language arts that include the following:
  - One unit of writing;
  - One-half unit of speech or debate; and
  - One unit of literature that must include one-half unit of American literature;
- Three units each of:
  - Social studies that include one unit of U.S. history and one-half unit of U.S. government;
  - Mathematics that includes one unit of Algebra I;
  - Science that includes one unit of biology;
- One unit or more of any of the following:
  - Approved career and technical education courses;
  - A capstone experience; or
  - World languages;
- One unit of fine arts;
- One-half unit of each of the following:
  - Personal finance or economics;
  - Physical education;
  - Health or health integration
- Six units of electives.

Adopted: July 11, 2022
Revised: August 14, 2023
Reviewed:_____

DAKOTA VALLEY PANTHERS

6006

Commencement Ceremony

The district shall conduct a commencement ceremony for members of the senior class at the end of the school year. Participation in the ceremony is a privilege, not a right, and the superintendent or his/her designee may prohibit students who have violated conduct rules from participating in the ceremony as a consequence for the misconduct.

All students who are enrolled in the regular education curriculum as members of the senior class at the end of a school year shall be eligible to participate in the ceremony if they have earned at least 22 credits by the Friday prior to the commencement ceremony.

A student may participate in only one ceremony. Being permitted to participate in the ceremony does not constitute graduation, and only those students who have completed all graduation requirements prior to the ceremony will receive a diploma.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6007

Senior Recognition

The school district will recognize the outstanding academic achievement of its graduating seniors in the following manner:

Valedictorian
All students earning a 4.0 GPA in the first seven semesters of high school are identified as Valedictorian and will receive Valedictorian medals.

Honor Cords
All students earning at least a 3.0 GPA in the first seven semesters of high school shall receive silver honor cords.

Graduation Speakers
DVHS will have three or more senior students speak during the graduation ceremony.
- Top ranked Valedictorian based on GPA, ACT, and Smarter Balanced scores (If multiple students are tied, all of the students with a tied score will speak at graduation)
- Next highest ranked Valedictorian based on GPA, ACT, and Smarter Balanced scores (If multiple students are tied, all of the students with a tied score will speak at graduation) - A class representative will be selected by the senior class and high school staff to give a commencement address. ***A student's behavior record may exclude a student from speaking at graduation.

Selection of Senior Academic Representatives
For year-end honors where the school is asked to send one representative from the senior class solely based upon academics, the seniors will be rated on the following formula:
GPA * 250 =_____1000 being the most points possible ACT * 27.777 = _____
999.972 being the most points possible

The two scores will be added together to sort the students, as several of the awards only allow one nominee from our school. The highest totaled student would get to pick which event they wish to attend, with the second highest picking next, the third picking third, etc.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6008

Class Rank

Student class rank shall be determined by using a numeric grade point average derived from all classes graded on a numeric basis. To be included in the class ranking, a student must have received a numeric grade for each class in which he/she was enrolled.

Students who transfer into the school district will be eligible to be included in class ranking and be eligible for valedictorian status.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6009

Grade Placement and Academic Credits of Transfer Students

Subject to a determination on grade placement based on the criteria set forth below, a student transferring from an accredited school generally will be placed at the grade level that is comparable to the placement in the school from which the student is transferring. Temporary placement may be made until a student's records are received to verify the placement.

Placement of Students Not from Accredited Schools. Initial placement of these students is determined by their performance on one or more district- administered tests, but the student will not be placed in a grade higher than warranted by the child's age (with the assumption the student attended first grade at age six with annual grade advancement thereafter). The student may be placed according to performance alone after the initial placement.

Secondary Students Not from Accredited Schools. These students will be placed in English and Math classes as demonstrated by performance on one or more district-administered tests. Placement of the student and acceptance of credits may be determined based on the following factors:

- Previous public school or private school experience and transcript
- Standardized achievement test data
- Criterion-referenced test data
- Final examination test data
- Diagnostic test data

Transfer Credits. The district will accept credits toward graduation that were awarded by an accredited school district and which, in the professional judgment of the administrative team, are sufficiently rigorous and comparable to the district's offered courses of study. A student transferring into the school district in grades 9-12 will be responsible for meeting all graduation requirements in order to be awarded a diploma from the district.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6010

Special Education

All children with verified disabilities who are eligible for special education services are entitled to a free appropriate public education and an equal opportunity for education according to their needs. The district will follow state and federal law as well as the rules and protocols created by the South Dakota Department of Education and the United States Department of Education in identifying, evaluating, verifying and serving students who may be entitled to rehabilitation or special education services.

The school district shall provide special education and rehabilitative services only to children with verified disabilities and qualifying conditions.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6012

Flag Display and Patriotic Observances

The district shall display the flag of the United States of America from the flagpole during the school hours of each school day, except when a violent storm or inclement weather would destroy or materially injure such flag.

The facilities director or their designee shall be responsible for the care and display of the flags at all buildings and shall adhere to the rules and customs pertaining to the use and display of the flags as set forth in the United States Code.

Each day, at the time designated by the building administrator, staff shall ensure that students in grades K-12 will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America Student participation in the recitation of pledge shall be voluntary. Students who elect not to participate shall sit or stand silently and must respect the rights of those students choosing to participate.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6013

Teaching Controversial Issues

The ability to discuss, listen, and dissent are essential elements of responsible citizenship. The school district encourages students to develop skills in analyzing issues, respecting the opinion of others, distinguishing between fact and opinion, considering all pertinent factors in reaching decisions, and arriving at group decisions.

Teachers may teach or lead discussions about controversial issues if they comply with the following criteria:

1. The issues discussed must be relevant to the curriculum and be part of a planned educational program.

2. Students must have free access to appropriate materials and information for analysis and evaluation of the issues.

3. The teacher must encourage students to consider and discuss a variety of viewpoints.

4. The topic and materials used must be within the range, knowledge, maturity, and competence of the students.

5. The teacher must inform the building principal before discussing potentially sensitive or controversial issues.

6. Teachers must refrain from advocating partisan causes, sectarian religious views, or selfish propaganda of any kind through any classroom or a school device.

7. Teachers who are unsure of their obligations under this policy must confer with their superintendent or principal prior to discussing controversial issues in the classroom.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY PANTHERS

6014

School Attendance on Days of Scheduled Activities

Students must be present at school by 9:00 A.M. in order to participate in an extracurricular contest, practice or performance unless the student has the building principal's prior permission to participate despite the absence.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6015

Summer School

The school district may conduct a summer school program to provide additional educational opportunities for students who need remedial instruction and/or to enrich students' educational experiences. Each building level has a process in place for determining summer school eligibility. The building principal is responsible for managing this process.

Secondary Students. Summer school at the high school level functions as a credit-recovery program. Only those students who have failed a course are eligible for summer school. Students who successfully complete classes offered through the district's summer school program will earn credit toward high school graduation. Earned grades through summer school do not substitute a failing grade. All grades are calculated in the cumulative grade point average.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6016

Homebound and Off-Campus Instruction

The school district may provide a student with instruction in his or her home or other off-campus location under the following circumstances:

- if the student's IEP or 504 team determines that homebound instruction is appropriate;

- if the student is physically or mentally ill or injured and unable to attend regular classes and the superintendent or his/her designee had determined that a program of off-campus instruction is appropriate, after conferring with the student's parents, teacher(s) and/or physician; or

- under other circumstances which the superintendent deems to be appropriate.

Homebound and off-campus instruction may include a variety of in- person and distance learning services, as determined appropriate by the superintendent or relevant educational team. The superintendent or relevant educational team shall periodically review individual off- campus instructional programs and shall only continue them as long as they are educationally appropriate.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6018

Grades

The school will report student grades and/or academic progress to parents on a regular basis. The superintendent or his/her designee shall develop and implement student grading guidelines to be used by teachers. The objective of grading guidelines shall be to quantify and report the academic achievement of each student.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6019

Dual Credit and Technology

Dakota Valley recognizes the importance of dual credit and college classes. However, it cannot guarantee district devices will meet the requirements of every course offered.

District Devices. The student will not be an administrator of any district device or have administrative tools such as command prompt, PowerShell and task manager. The District will not purchase equipment or software required for a dual credit/college course and is not responsible for providing any device or environment beyond that provided to all students.

Student Responsibilities. The student is responsible for checking the course requirements for any computer or software related provisions needed to complete the course. Some courses may require the student to use a personal computer which will not be connected to the District's network as stated by Policy 5037. Additionally, the District may restrict a student's device to websites normally filtered as blocked for students.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6021

District Criteria for Selecting Evaluators to be Used for Special Education Evaluation and Verification and Independent Educational Evaluations

The following criteria shall be used for selecting evaluators according to SDLRC 24:05:30:03:

1. Those in-state service agencies that are approved by the South Dakota Department of Education for reimbursement.

2. Those South Dakota providers located within 30 miles of the building of the district where the child attends when driving by ordinary public roadways.

3. Evaluations must consider the educational, health, or other student records of the student provided by the district. The parents, guardians, or age-appropriate student must provide any required consent to the disclosure of these records unless disclosure is already authorized by state and federal law.

4. Evaluations must be provided to the district, including all educational, health, student, or other records created as part of or relied upon to complete the evaluation. The parents, guardians, or age-appropriate student must provide any required consent to the disclosure of these records unless disclosure is already authorized by state and federal law.

5. Evaluations must be conducted by a provider that is authorized, available, and willing to discuss, confer, or otherwise cooperate with the district regarding the evaluation, its results, or any other information related to the evaluation. Such cooperation may include reasonable participation in, or the submission of additional reports or information to, an IEP, MDT, or SAT team. The parents, guardians, or age-appropriate student must provide any required consent to the disclosure of these records or information unless disclosure is already authorized by state and federal law.

6. Evaluations must be sufficiently comprehensive for the evaluator to submit to the district a report that specifically details whether the student should be considered eligible for special education and related services, the nature of special education and related services recommended to accommodate the student's suspected disability, and the particular facts or findings underlying the evaluator's conclusions. This report must be submitted to the district within 45 days after the conclusion of the evaluation.

7. Evaluations must meet the then-current state standards for reliability, research-based processes, and educational or professional best practices.

8. Reimbursement to any evaluator chosen in conformance with this policy shall not exceed the cost that would be charged by the school district's contracted providers for the same or substantially similar evaluation.

All special education evaluations, including those independently obtained at the district's expense, must be obtained in a manner consistent with the criteria set forth above, unless state or federal law requires waiver of one or more criteria in order to accommodate unique circumstances.

Adopted: July 11, 2022
Revised: August 10, 2026
Reviewed:_____

6025

Student Cell Phone and Other Electronic Devices

Students may use cellular phones or other electronic devices while at school, so long as they do so safely, responsibly and respectfully and comply with all other school rules while using these devices.

By bringing their cell phones and other electronic communication devices to school, students consent to the search of said devices by school staff when permitted by law.

Students may not have cell phones or electronic devices on while they are in locker rooms, restrooms, or any other area in which others may have a reasonable expectation of privacy.

Students may not use cellular phones in any classroom unless deemed appropriate by a student's educational team. Each building has specific storage rules for cellular phones while in the classroom setting that students must abide by. Furthermore, students in Grades JK-8 may use cellular phones only before and after school as communicated by building administration.

The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (including things like texting, sexting, e-mailing, etc.) may constitute a crime under state and/or federal law. Any person engaged in these activities while on school grounds, in a school vehicle or at a school activity will be subject to the disciplinary procedures of the student code of conduct.

While on school property, at a school activity, or in a school vehicle, students may not use their cell phones or electronic devices to bully, harass, or intimidate any other person as governed by the student code of conduct.

Students shall be personally and solely responsible for the security of their electronic devices. The district is not responsible for theft, loss or damage of any electronic device, including or any calls or downloads.

Students may not use cell phones for the creation of a personal Wi-Fi hotspot while they are on district property.

Students who violate this policy may have their cell phones or electronic devices confiscated immediately. The administration will return the confiscated devices to the parent, guardian, or student after a conversation with the parent/guardian has occurred to discuss the rule violation. Students who violate this policy may, at the discretion of the school's administration, be subject to additional discipline, up to and including suspension or expulsion.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed:_____

6026

Emergency Dismissal

The superintendent or his/her designee is responsible for determining when school and/or extracurricular activities should be cancelled or dismissed due to severe weather or other emergency conditions. Coaches and/or sponsors may not conduct practices on days that school is cancelled without first securing the activities director's specific permission.

All facility usage by non-district activities will be cancelled if school or activities are cancelled unless the persons using the facility secure the activities director's specific permission prior to using the facilities.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6027

Field Trips

The board encourages instructional staff to incorporate field trips into the curriculum. These trips should normally be conducted during the school day.

General Conditions

All trips must be pre-approved by the teacher's building principal. The superintendent and principals will develop guidelines for approval of trips and communicate those guidelines to teaching staff.

Parental Permission

Each student must submit a signed parental permission slip prior to being allowed to attend a field trip. A new permission slip must be submitted for each trip.

Supervision

Sponsoring teachers must ensure that students are adequately supervised and chaperoned by a responsible adult at all times during field trips. Whether paid staff or volunteers, chaperones are prohibited from drinking alcoholic beverages of any kind at any time during any field trip. All chaperones must be at least 21 years of age. Any chaperone who drives students must possess a valid driver's license. Chaperones who drive students in private vehicles must possess adequate insurance coverage. Chaperones may not bring children on field trips unless that child is a student already enrolled in the district and who is in the group or class taking the field trip.

Chaperones do not have any property right in or to a chaperone assignment. The school district may deny or terminate a chaperone assignment for any reason that is not unconstitutional or unlawful. The superintendent's decision shall be final.

Student Conduct

Students must comply with the student code of conduct, any applicable extracurricular conduct codes, and all directives by trip chaperones.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6028

The Extracurricular Activities Program

1. General Purpose

a. The extracurricular program includes non-curricular activities which are sponsored by the school district. These activities include opportunities such as sports, speech, plays, Family Career and Community Leaders of America (FCCLA), Future Business Leaders of America, music performance groups and other activities which are sponsored by the school.
b. Extracurricular activities are an important part of the total school experience but are secondary to the academic program and must be kept in that perspective.
c. Extracurricular activities ***do not*** include:
    i. Co-curricular activities such as band and choir, in which students must participate as part of the requirements for enrollment in and receiving a grade for a particular course.
    ii. Student-initiated, non-curriculum related student groups which are permitted to hold meetings and events on school premises. These groups are not school-sponsored and are not governed by this policy or other policies and rules governing extracurricular groups.

2. Governance

a. All extracurricular activities shall be under the exclusive governance and control of the school district. This control includes, but is not limited to, the formation, naming, structure, operation, financing, and discontinuance of all extracurricular activities. Extracurricular activities shall not have any separate or individual existence, status, rights, or authority.
b. Students and sponsors will be governed by all board's policies and administrative rules including the policy on field trips when traveling for extracurricular activities.

3. Student Eligibility

a. Students are encouraged to participate in extracurricular activities.

b. Extracurricular activities may establish academic or course enrollment qualifications for participation if such qualifications are necessarily related to the purposes of the activity.

c. Standards for scholastic eligibility for students wishing to participate in extracurricular activities shall be set by the administration and shall be consistent with at least the minimum standards provided by the NSAA.

d. All students in grades 7-12 who participate in athletics must have a physical examination by a qualified health care provider at the student's expense.

e. Students who wish to participate in extracurricular activities must abide by the student code of conduct, the extracurricular code of conduct and any additional

rules set by the activity sponsor.

f. Students are not eligible to participate in any extracurricular activity until they and their parents/guardians have signed the student handbook and extracurricular handbook receipt and acknowledgement.

4. Advisors

a. Each extracurricular activity must have an advisor who is a member of the district's certificated staff or a selected community member who is qualified by virtue of education, training, experience, or special interest to serve as the sponsor.

b. The superintendent or his/her designee will assign advisors with board approval for all extra-duty contracts. Payment to advisors will be negotiated based on the terms of any applicable collective bargaining agreement, the advisor's training and experience and any other lawful criteria.

c. Advisors shall be required to: develop materials, activities, and a budget; promote membership and participation; communicate with the principal or designee, staff, students, and parents; schedule meeting dates and locations; plan meaningful experiences; supervise students during activities; evaluate and make recommendations; and submit a year-end report to the principal or designee.

5. Fundraising Activities

All fundraising activities shall require authorization by a member of the school district administration and shall be subject to all other school policies. All money raised by these activities shall be governed by Policy 3005.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6028.1

Alternative Instruction Students and Activity Participation

Students receiving alternative instruction who reside in the District may participate in District activities in accordance with South Dakota law. Students who wish to participate in a District activity must follow the same rules and procedures as enrolled students, including all training and academic eligibility rules prescribed by the South Dakota High School Activities Association.

Fine Arts. Enrollment in the District's parallel fine arts program is required to participate in a fine arts extracurricular program (e.g. enrollment in band is required to participate in All-State Band). A student who is enrolled in the District's parallel fine arts program who then successfully auditions for a correlating extracurricular activity will only be permitted to participate in the extracurricular activity if they remain enrolled in the District's parallel program.

National Organizations. Eligibility requirements for national organizations such as the Family, Career and Community Leaders of America (FCCLA) will be governed by the organizations' respective constitution and by-laws.

Documentation. Prior to participation, a student's parent/guardian must provide the following information to the District:

- Notification of alternative instruction as required by state law;
- Proof of the student's age;
- A copy of a transcript of the student's previous semester's completed coursework, which must indicate the completion of a minimum of two units of credit in accordance with SDHSAA rules. Such eligibility will be verified in accordance with the procedures under Board Policy 6009;
- A completed SDHSAA Eligibility Checklist for Alternative Instruction Students;
- A completed SDHSAA athletic physical examination form;

Certification from a licensed physician that the child has received or is in the process of receiving adequate immunization against: poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, meningitis, and varicella.

Adopted: July 11, 2022
Revised: October 14, 2024
Reviewed:_____

6029

Activity Trips

Students may travel to and from all activities in the transportation provided by the school. A student may travel to and from an activity with his/her parent or guardian if the activity sponsor has personally released the student to the parents' custody, or the parents' designee if the designee is at least 21 years of age. Students who misbehave while on an activity trip may be subject to disciplinary consequences set forth in the board's student discipline policy. In addition to any other disciplinary consequences imposed, students who misbehave while on school-sponsored trips may be prohibited from attending future trips.

Students must comply with the board's policies on field trips as well as the student code of conduct, the extracurricular code, and all directives of a sponsor or chaperone while on an activity trip.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

6030

Public Appearance of School Groups

The reputation of the school district is enhanced when student groups appear at public non-school functions. Therefore, the board encourages student groups to appear at public events, subject to the following requirements:

1. Activity advisors must secure the permission of their building principal before booking a student group at a public event.

2. Advisors are discouraged from booking student groups to perform on more than one school night (Sunday-Thursday) per week.

3. Student groups may not perform at a political rally without permission from the superintendent and prior notice to parents.

4. The policies and rules that apply to field trips also apply to student group appearances in public.

Adopted: July 11, 2022
Revised:_____
Reviewed:_____

DAKOTA VALLEY
PANTHERS

6031

Student Use of AI Tools

As used in this policy, artificial intelligence tools ("AI Tools") mean machine-based resources that use computer science, algorithms, large language models, and/or machine learning to perform tasks, answer questions, collect information, and respond to human-directed tasks, queries, and objectives. AI Tools include, but are not necessarily limited to, commercially-available resources like ChatGPT, Gemini, Claude and similar programs.

AI Tools may be useful to student learning. However, students and staff must ensure that student use of AI Tools should focus on using such tools as a resource and for background material, rather than using the AI Tools to complete the assignment. Therefore, AI Tools may only be used by students in accordance with the following requirements:

1. Students may not use AI tools on any assignment, test, or project unless the staff member has given express permission for the student to do so. Staff Member permission to use an AI tool on one assignment does not carry over to other assignments. Individual staff members will decide for each individual assignment the extent to which students may use AI Tools.

2. If a student uses any AI Tools in connection with a school assignment, the student must:

    a. Give proper attribution to the specific AI Tool(s) used to the same extent that students are expected to give proper attribution to other sources of information such as books, texts, encyclopedias, secondary sources, and other traditional media. Such attribution may include, but is not necessarily limited to, accurate quotations, citations, footnotes, endnotes, and/or bibliography entries.

    b. Never copy and paste the output from the AI Tool into the student's work as if the student wrote such section himself or herself.

3. Students may never use AI Tools to:

    a. Cheat on any assignment, test, or quiz;

    b. Help answer questions on a test or quiz without staff member permission;

    c. Make or share deepfakes or fake images, audio, or video of any real person;

    d. Make or share sexual, nude, or intimate images of any real person—even if the image is fake or AI-made;

    e. Bully, harass, threaten, intimidate or impersonate any person;

    f. Place another student or staff member name, photo, voice, or personal information into an AI Tool without staff member authorization;

    g. Use AI Tools to bypass accommodations, content filers, or school security.

4. A student may use AI Tools as an accommodation if his/her IEP team or Section 504 committee has approved use of the tool. The student must disclose the use of AI Tools to the staff member grading the assignment.

5. A student's failure to meet the requirements stated in this policy will constitute a violation of the district's prohibitions against cheating plagiarism and/or academic dishonesty, including but not necessarily limited to such prohibitions stated in the Student Handbook, which violation will subject the student to discipline up to and including expulsion.

6. The student requirements stated above are the minimum requirements for any student assignment. An individual teacher may impose more stringent requirements for any specific academic assignment or coursework.

Adopted: August 10, 2026
Revised:
Reviewed:_____

6032

Selection and Review of Library Media

The board approves curriculum and curriculum-related materials for the district with input from administrators and staff. Those processes are covered in other board policies. Staff members seeking to procure materials for use during instruction must follow board policy, practices, and directives. Those items are not covered by this policy.

The district procures library books and other media available to students that are not part of a specific class or curriculum. For purposes of this policy, those will be called library materials. This policy addresses the selection and review of library materials, regardless of their source. This policy applies regardless of whether library materials are purchased using district funds, donated, or shared at no cost to the district.

Protection from Obscenity. The Board has implemented a web filter on its server to limit students' ability to access obscene material on the internet. Further, the Board has implemented the following selection and review processes to limit potential obscene materials that could be located in hard copy format in school libraries.

No Right to Materials. The board supports having excellent educational opportunities for students, including availability of library materials used to enrich the educational experience. However, the board and administration are responsible for considering materials based on a variety of factors and legal obligations. There is no right to force any material to be included or excluded. Staff requesting library materials do so only within the course and scope of their employment with the district.

Selection Process. The selection and approval of new library materials must comply with the district's general requisition, donation, and budgeting requirements. To ensure materials selected are appropriate for the district's students and consistent with the district's legal obligations, the following process applies to selection of library materials.

The school librarian, media specialist, or any individual requesting library materials is responsible for submitting the request to the building principal or to superintendent if there is no principal assigned to the building. The request must include the following

1. Name of the book, material, or resource;
2. The author, publisher, and supplier of the material;
3. The physical medium (*i.e.*, book, magazine, video, game, digital subscription, etc.);
4. The cost of the material;
5. The material's accolades, such as presence on best seller lists, awards won, and recommendations from professional library journals and organizations with a focus on K-12 school library materials.
6. Whether any of the content in the material represents a perspective that may not be universal, such as political, religious, or social perspective for which disagreement or differences of opinion exist.

The building principal or superintendent will review the library material request and inform the requester whether the material will be accepted or denied. Materials which require expenditure of district funds will be processed consistently with the district's purchasing and procurement policies and practices. There is no appeal from this determination.

Requested Review of Library Materials. A concerned parent of a current student may request the review of a specific library material (*i.e.*, a specific book, magazine, etc.) or portion of a specific library material. The parent must first discuss their concern with the librarian and explain their concern regarding the library material. If the parent is dissatisfied, they may then discuss their concern with the building principal. The board believes most concerns will be resolved in this manner.

If the parent is dissatisfied after the informal review and discussion with the relevant librarian and administrator, they may request a review in writing. To request a review, the individual must complete the Library Material Review Request form and submit it to the superintendent.

The superintendent will review the request within a reasonable time after receiving it. The superintendent shall consult with the school's librarian or media specialist, staff, and may consult with legal counsel at his or her discretion. The superintendent may decide to remove the material, keep the material, restrict access to the material to students based on age or grade level, or make any other determination the superintendent deems appropriate. The superintendent's decision regarding the review will be communicated to the requester in writing.

The decision of the superintendent is final, and the board will not hear any appeal regarding the review of library material.

Additional Rules for Library Media Review.

- This review procedure is limited to children enrolled in the district and to parents of students enrolled in the district.
- Unless the superintendent decides otherwise, the library material will remain in circulation while a review is pending.
- Unless otherwise required by law, no library material will be reviewed again within 5 years after a requested review is completed.
- This policy can only by used by an individual once a year.
- Any parent requesting review of multiple library materials may only request a maximum of 5 materials to be reviewed at one time.
- Nothing in this policy prohibits the superintendent or their designee from reviewing library material outside of the review process contained in this policy and taking any action the superintendent or their designee deems appropriate.

Adopted: December 11, 2023
Revised: June 20, 2024____
Reviewed:_____

6033

Restraint and Seclusion of Students

Restraint and seclusion, as defined below, are behavioral interventions. The use of such behavioral interventions must be in accordance with this policy. The following interventions do not constitute seclusion and restraint and are not governed by this policy: voice control, limited to loud, firm commands; time-limited ignoring of specific behaviors; brief physical prompts to interrupt or prevent a specific behavior; physical interventions which a student's health care provider has indicated are medically necessary for the treatment or protection of the individual; or other similar interventions.

Definitions

Physical restraint refers to a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint does not include incidental touching that comes along with movement inside a classroom, lunch line, or other areas of the school building where maintaining order is required.

Mechanical restraint refers to the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Chemical restraint refers to the administration of medication for the purpose of restraint, but does not include the administration of medication in accordance with the directions and prescription of a physician with the consent of the student's parent or guardian.

Seclusion refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Use of Restraint and Seclusion

The use of chemical restraint is strictly prohibited. The use of any seclusion or restraint intervention for punitive or disciplinary purposes is strictly prohibited. Similarly, the use of any technique that constitutes corporal punishment, which is the infliction of bodily pain as a penalty for disapproved behavior, is strictly prohibited. Seclusion and/or restraint shall not be used for the convenience of staff or as a substitute for an educational program. When restraint or seclusion is used to respond to the danger of harm posed by a student's behavior, the intervention shall be discontinued as soon as the danger of harm has dissipated.

The use of physical restraint and mechanical restraint is permitted in a manner consistent with this policy:

- as reasonably necessary where the student's behavior risks causing physical harm to self, others, and property;
- in accordance with the student's IEP, Section 504, or behavior intervention plan; *or*
- as otherwise prescribed, recommended, or suggested by a medical or related services provider.

Seclusion will not be used absent a clear and present danger.

Prone restraint, defined as 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, will not be used except when the use is necessary and reasonable in manner and moderate in degree.

Procedures

No technique shall restrict a student's breathing, deprive a student of basic needs, or unnecessarily expose a student to physical pain or discomfort.

Seclusion shall not be used for students who are severely self-injurious or suicidal. When seclusion is utilized as permitted by this policy, the following procedures shall be followed:

- The student shall be monitored by an adult in close proximity who is able to regularly observe the student;
- The confining space shall be approved for such use, unless the use of such a space is impossible or impracticable under the circumstances;
- The confining space shall be appropriately lighted, ventilated, and heated or cooled; *and*
- The confining space shall be free from objects that unreasonably expose the student or others to harm.

If a pattern of behavior emerges that requires or is anticipated to require the use of restraint and/or seclusion for the student, the appropriate educators and/or team members shall review what assessments, evaluations, supports, services, programs, or placements are appropriate in light of the student's needs and circumstances.

Recording and Reporting

Each incident of restraint or seclusion must be recorded and reported to a student's parent/guardian as required by the District.

Training

All staff members shall be provided notice of this policy and will be trained on its contents. The Superintendent or his or her designee will identify school staff members likely to implement the restraint or seclusion interventions authorized by this policy and arrange for those individuals to receive appropriate training on the appropriate implementation of such interventions and the use of other behavioral supports and interventions.

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Revised:_____
Reviewed:_____