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## *Section A: Foundations and Basic Commitments*

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## SCHOOL DISTRICT LEGAL STATUS

The United States Constitution leaves to the individual states responsibility for public education.

In South Dakota, the legislature is charged by the Constitution "to establish and maintain a general and uniform system of public schools" which is open to all children and free from sectarian control.

The State Board of Education is responsible for the adoption of all policies for the government of the Division of Elementary and Secondary Education, and for the adoption and implementation of regulations for supervising the elementary and secondary schools.

School Districts exist for the purpose of operating a school or schools to provide the people of each local community adequate opportunity to avail themselves of a free public elementary and secondary education program.

This School District constitutes a school corporation under the name of Harding County School District, No. 31-1 of Harding County, South Dakota.

The legal boundaries of the Harding County School District is the entire county of Harding. The boundaries do not overlap another county boundary.

### **Legal References:**

SDCL 13-5-14 (School districts overlapping county boundaries)  
SDCL 13-5-29 (Vested contract rights not impaired)  
US Constitution, Tenth Amendment (Powers of the states and people)  
SD Constitution Article 8-1 (Uniform system of free public schools)  
SD Constitution Article 22 (Compact with the United States)  
SD Constitution Article 26-18 (Freedom of religion)  
SDCL 13-5-15 (School districts as corporations)  
SDCL 13-5-16 (Naming and numbering of school districts)  
SDCL 13-5-2 (Types of school districts abolished)  
SDCL 13-5-17 (Recording of school dist. names, #'s & boundaries)  
SDCL 13-5-17.1 (Change of name of school district)  
SDCL 13-5-1 (School districts defined)  
SDCL 13-6 (School district reorganization)

### **Cross References:**

BB: School Board Legal Status

Adopted: June 8, 2015

## **COMMUNITY AND PARENT INVOLVEMENT IN DECISION MAKING**

The Harding County School Board recognizes the importance of community and parent involvement with the program and the operations of the public schools. By working together the quality of the educational program for students can only improve.

To foster mutual respect and confidence between the public, parents and the Board, an atmosphere of openness and honesty will prevail. The Board will encourage interested groups and representatives to express ideas, concerns and judgments about the schools to the school administration, to staff appointed advisory bodies and to the Board. It will be the Board's responsibility to provide the public and parents with accurate and complete information on the schools and the Board's activities.

The advice of the public and parents will be given careful consideration. In the evaluation of such contributions, the first concern will be for the educational program as it affects the students.

### **CITIZENS' ADVISORY COMMITTEES**

The Harding County School Board recognizes that one of the best methods to maintain good communications with the community, and to establish sound public relations, is through temporary citizens' advisory committees.

These committees will be appointed when needed for a specific time and purpose, and will be under the supervisory control of the Superintendent. The Superintendent will report to the Board on its membership, function, progress and final report.

#### **Cross References:**

BCF: Advisory Committees to the Board

Adopted: June 8, 2015

## **PARENT INVOLVEMENT IN TITLE I**

The Harding County School Board recognizes the importance of parental involvement with the Title I program and operations of the public school. By working together, the quality of the educational programs will improve.

To foster mutual respect and confidence between parents and the board, an atmosphere of openness and honesty will prevail. The Board will encourage parents and representatives to express ideas, concerns and judgments about the schools to the school administration, to staff appointed advisory bodies and to the Board. It will be the Board's responsibility to provide the public with accurate and complete information on the schools and Boards' activities.

### **PARENTS' ADVISORY COMMITTEES**

The Board recognizes that one of the best methods to maintain good communications with the community, and to establish sound public relations, is through temporary parents' advisory committees.

These committees will be appointed when needed for a specific time and purpose, and will be under the supervisory control of the Superintendent. The Superintendent will report to the Board on its membership, function, progress and final report.

### **Legal References:**

Public Law 100-297 (Education prog for disadvantaged children amended)<br />  
34 CFR part 75 (Direct Grant Programs)<br />  
Chap. 1 Program in Local Educational Agencies, Final Regulations

### **Cross References:**

BCF: Advisory Committees to the Board

Adopted: June 8, 2015

**PARENT INVOLVEMENT GUIDELINES - TITLE I  
(Regulation)**

The Harding County School Board believes that activities to increase parental involvement are a vital part of the Title I Program. Parents will have an opportunity to design, implement, evaluate and suggest changes to improve the program.

**GUIDELINES**

**Parental Notification.** Parents of Title I students will be notified within two weeks of a child's selection for the program, and for what academic skills and instructional objectives the student has been selected.

**Parental In-service.** Specific materials and suggestions will be provided to parents to assist in the education of their children at home. Suggestions for promoting educational activities at home will also be provided.

**Student Program Report.** Parents will be provided with student program reports at the end of each reporting period. If necessary, periodic written reports will be mailed to parents.

**Parent-Teacher Conferences.** Regular scheduled conference will be held each year to keep parents informed on the progress of their child. Other conferences may be held on request of the parent or teacher.

**Parent Visitation.** Parents are permitted to observe classes at any time, after checking at the administrative office.

**Parent Advisory Committees.** Parent Advisory Committees may be established at each school to review the overall program and to suggest changes.

**Meeting.** At least one public meeting will be held annually where administrators, staff members, parents of participants, parent advisory committees and other interested parents may be present. Agenda items at this meeting will include:

Information concerning the views of parents and students about educational needs of Title I students and the priorities of student needs;

Review Title I applications and make recommendations for improving program activities for ensuing projects;

Review annual funding allocations and carry-over funds;

Represent and express ideas and opinions of the parents and students of each school attendance area;

Assist the school district in the dissemination of Title I information to parents and the general public through the local media and a school newsletter; and

Emphasis on supplemental instructional activities appropriate for achieving program goals and objectives.

**In-service for Teachers.** Materials and information will be provided to teachers and other instructional staff involved in the program to assist them to work more effectively with the parents of participating students.

**Announcements.** All parents and students are invited by newsletter or through the local media to the annual meetings or other scheduled meetings. Information will be disseminated at these meetings advising involvement requirements. Reasonable support for parental activities will be

handled in a timely manner.

**Policy Dissemination.** Policies, regulations, and other Title I information will be made available to parents at each of the scheduled meetings and at parents' request anytime during the school year. Parents will be given an opportunity to be involved in the policy development process.

**Legal References:**

Public Law 100-297 (Education program for disadvantaged children amended)

34 CFR part 75 (Direct Grant Programs)

Chap. 1 Program in Local Educational Agencies, Final Regulations

Adopted: June 8, 2015

## **PARENT INVOLVEMENT**

The Harding County School Board of Education recognizes that a child's education is a responsibility shared by the school and family during the entire period the child spends in school. To support the goals of the school district to educate all students effectively, the schools and parents must work as knowledgeable partners.

Although parents are diverse in culture, language, and needs, they share the school's commitment to the educational success of their children. School districts and schools, in collaboration with the parents, shall establish and develop programs and practices that enhance parent involvement and reflect the specific needs of students and families.

To this end, the Board will support the development, implementation and regular evaluation of a parent involvement program, which will involve parents at all grade levels in a variety of roles. The parent involvement program will be comprehensive and coordinated in nature and will include, but not be limited to, the following:

1. Support to parents as leaders and decision-makers in advisory roles.
2. Promotion of clear two-way communication between the school and the family as to school programs and children's progress.
3. Assistance to parents and/or guardians to develop parenting skills to foster positive relationships at home that support children's efforts and provide techniques designed to assist their children with learning at home.
4. Involvement of parents, with appropriate training, in instructional and support roles at the school.
5. Provision of access to and coordination of community and support services for children and families.

These forms of involvement are not mutually exclusive and require a coordinated school wide effort.

Adopted: June 8, 2015

## **PARENT INVOLVEMENT IN TITLE I**

The Harding County School Board recognizes the importance of parental involvement with the Title I program and operations of the public school. By working together, the quality of the educational programs will improve.

To foster mutual respect and confidence between parents and the board, an atmosphere of openness and honesty will prevail. The Board will encourage parents and representatives to express ideas, concerns and judgments about the schools to the school administration, to staff appointed advisory bodies and to the Board. It will be the Board's responsibility to provide the public with accurate and complete information on the schools and Boards' activities.

### **PARENTS' ADVISORY COMMITTEES**

The Harding County School Board recognizes that one of the best methods to maintain good communications with the community, and to establish sound public relations, is through temporary parents' advisory committees.

These committees will be appointed when needed for a specific time and purpose, and will be under the supervisory control of the Superintendent. The Superintendent will report to the Board on its membership, function, progress and final report.

### **Legal References:**

Public Law 100-297 (Education program for disadvantaged children amended)  
34 CFR part 75 (Direct Grant Programs)  
Chap. 1 Program in Local Educational Agencies, Final Regulations

### **Cross References:**

BCF: Advisory Committees to the Board

Adopted: June 8, 2015



## NONDISCRIMINATION IN FEDERAL PROGRAMS

The Harding County School District will not violate any of the provisions of applicable federal programs, statutes or regulations, including but not limited to Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), NCLB, and McKinney-Vento Act (homeless children). The District will not discriminate in any of its policies and programs on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

The Harding County School District will provide the following:

1. an adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and alleged perpetrator to present witnesses and provide evidence;
2. evaluation of all relevant information and documentation relating to a complaint of discrimination;
3. specific, reasonably prompt time frames at each stage of the grievance process;
4. written notice to all parties within a specified timeframe of the outcome or disposition of the grievance at each stage of the process;
5. an opportunity to appeal the findings or remedy, or both;
6. an assurance that the District will take steps to prevent recurrence of any discrimination and correct discriminatory effects on others; and
7. language in the policies and grievance procedures indicating that any attempts to informally or voluntarily resolve the complaint or grievance should not delay the commencement of the District's investigation.

In compliance with applicable federal laws and regulations, the Board has appointed the Superintendent as the District's Compliance Officer to coordinate program compliance with federal programs. The Superintendent can be reached at:

Harding County School District

12474 Tipperary St., Buffalo, SD

Phone #: (605) 375-3241

A complaint may also be filed with the United States Office for Civil Rights, U.S. Department of Education at: 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Facsimile: (816)268- 0599; Telecommunication Device for the Deaf: (877) 521.2172; E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

## COMPLAINT PROCEDURE

The Harding County School Board has adopted a specific procedure to ensure that parental/student/public complaints related to the provisions of applicable federal programs, statutes or regulations, including claims of retaliation. The Board will not discriminate, in any of its policies and programs, on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

The purpose of this complaint procedure is to outline a procedure for addressing parental/student/public complaints about federal program compliance and/or discrimination. *Complaints against school employees and complaints related to sexual harassment, bullying, and instructional and library materials are addressed through other School District policies and not through this policy.*

For the purposes of this policy, a “complaint” is a perceived or alleged violation of federal programs, statutes or regulations (e.g., Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), NCLB, McKinney-Vento Act (homeless children), etc.) and/or discrimination in a policy and/or program on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

To protect the confidentiality of all concerned, it is imperative that any school employee in receipt of a complaint treat the complaint as confidential and that the complaint not be reproduced in any form, nor disclosed or discussed with any person other than those identified as proper recipients of the complaint (i.e., the principal, superintendent, school board).

When a federal program compliance complaint or discrimination/harassment complaint based on race, color, national origin, age or sex (excluding sexual harassment complaints) is brought directly to an individual board member or the entire Board, the board member or entire Board may listen to the person’s complaint but shall take no action unless there has been compliance with this Policy. The person bringing the complaint will be directed to the procedure as set forth below. The following procedure is designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the employee against whom the complaint is made. It is only when the person having the complaint and the employee involved cannot resolve the problem, and the complaint cannot be resolved at the administrative level, will the Board and board members become involved.

Should it be determined that discrimination or harassment occurred based on race, color, national origin, age or sex, the District will take steps to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on others, if appropriate.

### **STEP 1: Initial Complaint**

**A.** The person having the complaint related to federal program compliance or discrimination/harassment complaint based on race, color, national origin, age or sex (excluding sexual harassment complaints), the person must initiate the complaint procedure in one of the following ways:

- meet and discuss the concern with the Employee involved; OR
- meet and discuss the concern with the Employee's Principal.

1. If the Complainant met with the Employee and the complaint was not resolved, the Complainant must meet and discuss the complaint with the Employee's Principal within ten (10) calendar days of the meeting with the Employee. The Principal shall complete a Complaint Form, Exhibit AC-E(1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its content.

2. If the Complainant initiates the complaint by meeting with the Principal, the Principal shall complete a Complaint Form, Exhibit AC-E(1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its contents.

**B.** Upon the Complaint Form being signed and dated by the Complainant, the Principal shall give a copy of the complaint to the District's Compliance Officer (Superintendent). The Principal shall also give a copy of the complaint to the Employee and schedule an informal meeting with only the Complainant, Employee and Principal present. At the meeting, the Principal shall attempt to facilitate discussion between the Complainant and Employee by seeking clarification of the issue(s) and seeking a resolution to the complaint. However, attempts to informally or voluntarily resolve the complaint should not delay the commencement of the District's investigation. Should a resolution be obtained, the resolution shall be noted on the Complaint Form. Should a resolution not be obtained, the Complainant and/or the Employee may request a decision by the Principal on the merits of the complaint by making the request on the Complaint Form.

**C.** If the Principal is asked to make a decision on the merits of the complaint, the Principal has the authority to investigate the complaint beyond the information received from the Complainant and Employee during the meeting with the Complainant, Employee and Principal. During the Principal's investigation the Complainant and alleged perpetrator shall both have the opportunity, at separate times, to present witnesses and provide evidence to the Principal. The Principal shall evaluate all relevant information and documentation related to the complaint of discrimination or harassment and shall render a decision in writing within fourteen (14) calendar days of the request for a decision on the merits of the complaint. The time frame for rendering a decision by the Principal may be extended by the Principal for good cause and upon written notification to the Complainant and Employee. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and the Employee shall receive written notification of the Principal's determination/resolution.

**D.** The Principal's decision may be appealed by the Complainant or Employee to the Superintendent within (10) ten calendar days of receipt of the Principal's written decision pursuant to Step 2. If the Principal does not render a written decision within the required time frame (14 days unless extended) the Complainant or Employee may appeal to the Superintendent pursuant to Step 2.

*Should the complaint be against a Principal, the Superintendent shall address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the School Board pursuant to Step 3.*

*Should the complaint be against the Superintendent (or the Principal who also is the Superintendent) the Complaint Form, Exhibit AC-E(1), shall be given to the Business Manager. The Business Manager shall give the Complaint Form to the School Board President or Chairperson. At the next School Board meeting, the School Board will designate a person who is not an Employee of the District to address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the School Board pursuant to Step 3.*

## **STEP 2: Appeal to the Superintendent**

The following procedure shall be used to address an appeal of the Principal's decision made in Step 1, or if the Principal failed to render a decision in the required time frame:

1. The appeal shall be in writing using Exhibit AC-E(2). The appealing party must attach the complaint and the Principal's written decision, if a decision was rendered.
  2. Upon receipt of an appeal, the Superintendent will provide a copy of the appeal to the other party. Within five (5) calendar days, the other party may submit a written response to the appeal. The Superintendent shall provide a copy of the response to the appealing party.
  3. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant and Employee, (b) meet and discuss the matter with the Complainant, Employee and Principal, or (c) meet and discuss the matter with the Principal.
  4. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Employee; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant, Employee and Principal shall receive copies of the decision.
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1. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision.
  2. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.
  3. The Superintendent's decision may be appealed by the Complainant to the School Board within (10) ten calendar days of receipt of the Superintendent's written decision pursuant to Step 3.
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1. If the Superintendent does not render a written decision within the required time frame (14 calendar days unless extended) the Complainant may appeal to the School Board pursuant to Step 3.
  2. If the Employee believes the Superintendent's decision constitutes a violation, misinterpretation or inequitable application of School Board policy or collective bargaining agreement applicable

to the Employee, the Employee may file a grievance pursuant to the applicable grievance policy. A grievance filed pursuant to this provision shall be initiated at the Superintendent level.

### **STEP 3: Complainant's Appeal to the School Board**

The following procedure shall be used to address an appeal of the Superintendent's decision made in Step 2, or if the Superintendent failed to render a decision in the required time frame:

1. An appeal to the School Board shall be in writing using Exhibit AC-E(3). The Complainant must attach the complaint, the Principal's written decision if a decision was rendered, the appeal to the Superintendent, the response to the appeal if any, and the Superintendent's decision if one was rendered.
2. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within ten (10) calendar days of Complainant's receipt of the Superintendent's written decision, or within ten (10) days of the deadline for the Superintendent's written decision, whichever comes first.
3. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the Employee involved.
4. Upon receipt of an appeal to the School Board, the School Board shall schedule a date, time and location for the appeal hearing.

The following procedure shall be applicable at the appeal hearing before the School Board:

1. The School Board shall appoint a school board member or a person who is not an employee of the school district as the Hearing Officer.
2. Within thirty (30) calendar days of an appeal being filed with the School Board, the School Board shall conduct a hearing in executive session.
3. The Complainant, Employee and Superintendent each have the right to be represented at the hearing.
4. The School Board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the Hearing Officer until the appeal process has been completed.
5. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified by the School Board; in the absence of a decision by the Superintendent, the School Board will make a decision on the merits of the complaint.
6. All parties shall be given the opportunity to make an opening statement, with the Complainant being given the first opportunity, followed by the Employee and then the Superintendent.

7. The Complainant shall present his or her case first, and the Employee shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The Hearing Officer and school board members may ask questions of any witness.

8. After the Complainant and the Employee have presented their respective cases, the Superintendent shall then present the basis of his/her decision which led to the appeal, if a decision was rendered. The Complainant and Employee shall have the opportunity to ask the Superintendent questions. The Hearing Officer and board members may also ask questions of the Superintendent.

9. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the Hearing Officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board President/ Chairperson, Hearing Officer or other person authorized by law to take oaths and affirmations.

10. The Hearing Officer shall admit all relevant evidence. The Hearing Officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979) ("This [school board hearing related to teacher contract nonrenewal] does not mandate nor necessitate the use of strict evidentiary rules.").

11. Both parties shall be given the opportunity to make a closing statement, with the Complainant having the first opportunity, followed by the Employee, and then the Superintendent. The Complainant shall be given the opportunity for a brief rebuttal.

12. After the evidentiary hearing, the School Board shall continue to meet in executive session for deliberations. No one other than the Hearing Officer may meet with the Board during deliberations. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of the Complainant, Employee and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.

13. Within twenty (20) calendar days of the hearing, the School Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to the Complainant, Employee and Superintendent. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

14. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will reconvene in open session. The Board may uphold, reverse, or modify the Superintendent's decision, or render a decision on the merits of the complaint in the absence of a Superintendent's decision. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion, shall be in writing and approved by the Board. The Complainant, Employee, Principal and

Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the School Board.

15. If the Complainant is dissatisfied with the School Board's decision, the Complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

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**Legal References:**

Title VI, Civil rights Act of 1964 (Nondiscrimination in Federally Assisted Programs)  
Title IX, of the Education amendments of 1972 (Prohibits sex discrimination in federally-funded education programs)  
42 USC § 11301 etc seq. (McKinney-Vento Act)  
42 USC §§ 6101-6103 (Age discrimination)  
Title VII, Civil rights Act of 1964 (Prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin)  
SD Constitution Article 6 (Bill of rights)  
20 USC §§ 1681-1688 (Equal Opportunity in Education Act)  
SDCL 20-13 (Human rights)  
29 USC §701 (Vocational Rehabilitation)  
Education for All Handicapped Children Act of 1975  
29 USC §621 (Age Discrimination in Employment)  
SDCL 13-37 (Special assistance and related services)

**Cross References:**

ACB: Nondiscrimination on the Basis of Handicap/Disability  
FEFA: Contractor's Fair Employment Clause  
GBA: Equal Opportunity Employment  
JB: Equal Educational Opportunities

Adopted:

*Notes: This category is for a general policy covering all types of nondiscrimination relating to students, staff and others. Federal and state laws apply. Advice from your attorney would be helpful when drafting policies in this area.*

*If a policy relates to staff only, to students only or a particular form of nondiscrimination, it is better filed elsewhere. Appropriate codes for such statements are indicated by the cross-references.*

*Official approval by a school board of regulations in this area is required by law in most instances.*

## SEXUAL HARASSMENT

### SECTION 1 – Policy Statement

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

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

The District shall investigate all reported instances involving sexual harassment. Attempts to informally or voluntarily resolve the complaint should not delay the commencement of the District's investigation. Unless a different person is designated by the Superintendent to conduct the investigation, the school administrator of the school attendance center where the sexual harassment is alleged to have occurred is responsible for investigating the alleged sexual harassment. Allegations of sexual harassment may also be reported by the administration to other authorities, including but not limited to law enforcement.

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

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



immediately contact a school administrator.

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

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

## **SECTION 2 – Sexual Harassment Defined**

Sexual harassment is defined as sexually oriented words and actions which tend to annoy, alarm or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose regardless of the intent of the person accused of the sexually harassing conduct. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other laws, regulations and policies also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

Sexual harassment is a specific type of harassment which is prohibited under this policy. Examples of sexual harassment include, but not limited to:

1. Unwelcome sexual flirtations, advances or propositions;
2. Verbal comments, jokes, or abuse of a sexual nature;
3. Graphic verbal comments about an individual's body;
4. Sexually degrading words used to describe an individual;
5. Displaying pornographic material;
6. Physical contact or language of a sexually suggestive nature.

## **SECTION 3 – Sexual Harassment Reporting Procedure**

Any individual who believes that he or she has been or is being subjected to sexual harassment or has reason to suspect another person has been or is being subjected to sexual harassment should immediately report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing. A report may be made anonymously, although disciplinary action may not be based solely on an anonymous report. If disciplinary action is being requested, the individual reporting the sexual harassment will be asked to either submit a signed written complaint or sign a completed Sexual Harassment Report Form, Exhibit ACAA-E(1), verifying the accuracy of its content. The written complaint or Sexual Harassment Report Form

must include the following:

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

If the signed written complaint was given to a teacher or guidance counselor, or if the Sexual Harassment Report Form was completed by a teacher or guidance counselor, the teacher or guidance counselor shall forward the complaint or Sexual Harassment Report Form to the teacher's building school administrator.

#### **SECTION 4 – Procedure for Addressing Sexual Harassment Complaints**

##### **STEP 1: School Administrator Investigation and Determination.**

Should there be a report which alleges a Harding County School District student, employee, school volunteer, parent, guest, visitor or vendor has been subjected to sexual harassment, an investigation into the alleged sexual harassment will be initiated. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the victim, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation by the school administrator responsible for the investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint. Unless the nature of the complaint and investigation dictate otherwise, the investigation should be completed and determination made by the school administrator on the merits of the complaint within thirty (30) calendar days of receipt of the complaint.

The person alleged to have sexually harassed another person will be notified that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this

policy unless and until the investigation results in a determination that there is reasonable cause to suspect that sexual harassment did occur.

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

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

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

At the conclusion of the investigation, the school administrator shall make a determination as to whether sexual harassment did occur or whether the facts are insufficient to determine that a determination that sexual harassment occurred. The complainant and the person alleged to have sexually harassed another person will receive written notice of the school administrator's determination. Should the school administrator conclude that sexual harassment did occur, the school administrator shall take such action as deemed appropriate, which may include imposing disciplinary consequences on the person found to have violated this policy prohibiting sexual harassment.

## **STEP 2: Appeal to the Superintendent**

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

1. If either party is not satisfied with the school administrator's decision, or if the school administrator does not render a written decision within fourteen (14) calendar days of the request for a decision on the merits of the complaint, that party may appeal to the Superintendent by filing form ACAA-E(2). The appeal must be filed within ten (10) calendar days of receipt of the school administrator's written decision, or ten (10) days of the deadline for the school administrator's written decision, whichever comes first. The appealing party must attach the school administrator's written decision.
2. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the school administrator's decision, or the

Superintendent may refer the matter back to the school administrator for further investigation and supplemental decision which decision may restate, modify or reverse the school administrator's initial decision. A supplemental decision by the school administrator after a referral back to the school administrator is subject to appeal to the Superintendent. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to all parties, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

### **STEP 3: Appeal to the Board**

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

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

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

F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;

G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;

H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;

I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;

J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).

K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;

L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;

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

N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting sexual harassment, Board action may include but is not limited to the

following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a third person from being on school property or at school activities for such time as may be determined by the Board.

O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal pursuant to law.

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**Legal References:**

Moran v. Rapid City Area School dist., 281 N.W. 2d 595.602 (S.D. 1979)  
Title IX of the Education Amendments of 1972 (Prohibits sex discrimination in federally-funded education programs)

**Cross References:**

JF: Student Rights and Responsibilities  
JFA: Student Due Process Rights  
JFC: Student Conduct  
JFCD: Bullying  
JFCC (EEACC): Student Conduct on School Buses

Adopted: June 8, 2015

Associated School Boards of South Dakota	NEPN Code: ACAA-E(1)
Policy Reference Manual	

**SEXUAL HARASSMENT  
COMPLAINT REPORT FORM**

Date Form Completed: \_\_\_\_\_

Form Completed by: \_\_\_\_\_

Person Reporting the Sexual Harassment: \_\_\_\_\_

Address/Phone # of the Person Reporting the Sexual Harassment:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Nature of Complaint: (With specificity, identify the person(s) alleged to have sexually harassed, the conduct which is the basis of the sexual harassment complaint, when/where the conduct occurred, the person(s) alleged to have sexually harassed, witnesses, and any other pertinent information):  
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(use additional sheets if necessary).

\_\_\_\_\_ Date \_\_\_\_\_ School Employee Completing the Sexual Harassment Report Form

\_\_\_\_\_ Date \_\_\_\_\_ Person Reporting the Sexual Harassment

Associated School Boards of South Dakota	NEPN Code: ACAA-E(2)
Policy Reference Manual	

**SEXUAL HARASSMENT  
COMPLAINT APPEAL TO THE SUPERINTENDENT**

I/We Appeal the Principal's Step 1 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Principal's decision is wrong]:

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Superintendent



Associated School Boards of South Dakota	NEPN Code: ACAA-E(3)
Policy Reference Manual	

**SEXUAL HARASSMENT  
COMPLAINT APPEAL TO THE SCHOOL BOARD**

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Business Manager

## NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

It will be the policy of the Harding County School District to adhere to the concept of nondiscrimination on the basis of handicapping conditions. The Board will support section 504 of the Rehabilitation Act of 1973. In doing so the Board will:

1. Not discriminate against a qualified handicapped person in any aspect of school division employment solely on the basis of handicap.
2. Make facilities, programs and activities accessible, usable, and open to qualified handicapped persons.
3. Provide free appropriate education at elementary and secondary levels, including nonacademic and extracurricular services and activities, to qualified handicapped persons.
4. Not exclude any qualified handicapped person solely on the basis of handicap from participation in any preschool education or day care program or activity or any adult education or vocational program or activity.
5. Provide each qualified handicapped person with the same health, welfare, and social services as are provided other persons.

The Harding County School Board holds the general view that:

1. Discrimination against qualified handicapped persons solely on the basis of handicap is unfair.
2. To the extent reasonably possible, qualified handicapped persons should be in the mainstream of life in a school community.

Accordingly, employees of the Harding County School District will comply with the above requirements of the law and any regulations approved by the Board or its administration for ensuring a policy of nondiscrimination on the sole basis of handicap. The Board designates the superintendent or superintendent's designee to act as the District's compliance officer for employees and students.

No person in the District will, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activities.

Legal	20 USC §1400 et seq. (Education of individuals with disabilities)
References:	29 USC §794 (Nondiscrimination under Federal grants and programs)
	34 CFR part 300 et seq. (Assistance to states for the education of children with

disabilities)

42 USC §12101 et seq. (Equal Opportunity for individuals with disabilities)

Americans with Disabilities Act of 1990

Public Law 108-446 (Individuals with Disabilities Education Improvement Act of 2004)

Section 504 of the Rehabilitation Act of 1973 (Nondiscrimination under federal grants)

Adopted: June 8, 2015

**PUBLIC NOTIFICATION OF NONDISCRIMINATION POLICY**

The Harding County School District supports the provisions of Title IX of the Educational amendments of 1072, Title VI of the Civil Rights Acts of 1964 and Section 504 of the Rehabilitation Act of 1973 which commits all schools to the elimination of discrimination on the basis of race, color, national origin, sex and handicap to those programs and activities offered to its students. It is the expressed intent of the Harding County School District to provide equal opportunity for all students, free from limitations of race, color, national origin, sex and/or handicaps.

This concept of Equal Educational opportunity will serve as a guide to the Governing Board, the Administration and staff in making decisions relating to the employment of personnel, school facilities, curriculum, activities and regulations affecting students and employees.

Inquiries regarding compliance with Title IX, Title VI, and Section 504, affirmative action, and the American With Disabilities Act, which prohibit discrimination on basis of race, color, national origin, sex and handicap conditions, may be directed to the Harding County School District Superintendent, PO Box 367, Buffalo, South Dakota 57720. Telephone number 605-375-3241. Inquiries can also be made to the Regional Director, Department of Education, Office for Civil Rights, 10200 North Executive Hills Boulevard, 8<sup>th</sup> Floor, Kansas City, MO 64153-1367

Adopted: June 8, 2015

Associated School Boards of South Dakota	NEPN Code: AC-E(1)
Policy Reference Manual	

**NONDISCRIMINATION IN FEDERAL PROGRAMS  
COMPLAINT REPORT FORM**

Date Form Completed: \_\_\_\_\_

Form Completed by: \_\_\_\_\_

Person Filing the Complaint (Complainant): \_\_\_\_\_

\_\_\_\_\_

Address/Phone # of Complainant: \_\_\_\_\_

\_\_\_\_\_

Employee Involved: \_\_\_\_\_

Nature of Complaint: The person making the complaint shall with specificity identify the basis of the complaint (i.e., what, when, where, witnesses, and any other pertinent information).

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(use additional sheets if necessary).

Was a meeting held between the person having the complaint and the employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

If a meeting was held, when was it held, what happened at the meeting and what was the outcome of the meeting: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a meeting was not held, explain why not: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Resolution requested/sought by complainant: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Official Completing the Report Form

Step 1 mutually agreeable resolution was reached:

Yes \_\_\_\_\_ No \_\_\_\_\_

If resolution, manner in which the complaint was resolved:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Complainant (initial/date) \_\_\_\_\_ Employee (initial/date) \_\_\_\_\_

If no mutually agreed upon resolution was reached, I request a decision by the Principal on the merits of the complaint:

Yes \_\_\_\_ No \_\_\_\_ Complainant (initial \_\_\_\_\_) Date \_\_\_\_\_

Yes \_\_\_\_ No \_\_\_\_ Employee (initial \_\_\_\_\_) Date \_\_\_\_\_

Associated School Boards of South Dakota	NEPN Code: AC-E(2)
Policy Reference Manual	

**NONDISCRIMINATION IN FEDERAL PROGRAMS  
COMPLAINT APPEAL TO THE SUPERINTENDENT**

I/We Appeal the Principal's Step 1 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Principal's decision is wrong] :

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Superintendent

Associated School Boards of South Dakota	NEPN Code: AC-E(3)
Policy Reference Manual	

**NONDISCRIMINATION IN FEDERAL PROGRAMS  
COMPLAINT APPEAL TO THE SCHOOL BOARD**

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

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ATTACH A COPY OF THE COMPLAINT, PRINCIPAL'S DECISION, APPEAL TO THE SUPERINTENDENT, STEP 2 WRITTEN RESPONSE(S) IF ANY, AND THE SUPERINTENDENT'S DECISION.

\_\_\_\_\_ Date

\_\_\_\_\_ Complainant

\_\_\_\_\_ Date Received

\_\_\_\_\_ Board President/Chairperson – Business Manager:



## **EDUCATIONAL PHILOSOPHY**

In today's society, education is a continuous process of learning, not only for the present but for the future. Therefore, the Harding County School Board will provide an educational environment that promotes and enhances learning as a life-long endeavor. In addition, the Board believes that education is not just the development and refinement of mental capacity but a process that assists the students in meeting their physical, social, aesthetic, and emotional requirements.

The Harding County School Board will strive to provide stimulation and assistance so that each child develops in accordance to his or her individual abilities, interests and potential. The responsibility of the school, therefore, is to help guide the individual in the many and varied educational experiences so that a child can develop into a wholesome, happy and productive human being.

The Board recognizes the importance of the home as an influence upon the child and believes that a sympathetic, cooperative attitude between the teacher and the parent or guardian is necessary in the development of a student's integrated personality.

The total staff of the school system constitutes an inestimable and lasting force in the development of the student. The teacher is the most significant influence in the school and must, therefore, possess and demonstrate dedication, enthusiasm and sensitivity. It is primarily the teacher's responsibility to provide the learning environment in the school that fosters maximum student growth and reflects individual differences.

It is further realized that mutual rapport among the home, student, staff, administration, School Board and total community is necessary to implement this policy.

### **Cross References:**

IA: Instructional Goals

Adopted: June 8, 2015

## WELLNESS

To support its mission, the Harding County School District will provide an environment that cultivates maximum student potential. Nutrition influences a child's development, health, well-being and potential for learning. To afford students the opportunity to fully participate in the educational process, students must attend school with minds and bodies ready to take advantage of their learning environment. This district-wide nutrition policy encourages all members of the school community to create an environment that supports lifelong healthy eating habits. Decisions made in all school programming need to reflect and encourage positive nutrition messages and healthy food choices.

The policy of the School District is to:

Provide a positive environment and appropriate knowledge regarding food:

Ensure that all students have access to healthy food choices during school and at school functions.

Provide a pleasant eating environment for students and staff.

Allow a minimum of 20 minutes for students to eat lunch and socialize in the designated cafeteria area.

Enable all students, through a comprehensive curriculum, to acquire the knowledge and skills necessary to make healthy food choices for a lifetime.

When using food as a part of class or student incentive programs, staff and students are encouraged to utilize healthy, nutritious food choices.

When curricular-based food experiences are planned, staff and students are encouraged to seek out good nutrition choices whenever appropriate.

Reduce student access to foods of minimal nutritional value.

In keeping with contractual obligations to the National School Lunch/Breakfast programs, ensure the integrity of the school lunch program by prohibiting food and beverage sales that are in direct conflict with the lunch/breakfast programs.

Encourage the practice of good nutrition by reducing the sale or distribution of foods of minimal nutritional value through a four-year plan that focuses on:

- Reducing access to non-nutritional foods.
- Educating students about healthy foods.
- Selective pricing that favors sales of healthy foods.

To accomplish these goals:

Child Nutrition Programs comply with federal, state and local requirements.

Child Nutrition Programs are accessible to all children.

Sequential and interdisciplinary nutrition education is provided and promoted.

Patterns of meaningful physical activity connect to students' lives outside of physical education.

All school-based activities are consistent with local wellness policy goals.

All foods and beverages made available on campus (including vending, concessions, a la carte, student stores, parties, and fundraising) during the school day are consistent with the current Dietary Guidelines for Americans.

All foods made available on campus adhere to food safety and security guidelines.

The school environment is safe, comfortable, pleasing, and allows ample time and space for eating meals. Food and/or physical activity is not used as a reward or punishment.

**Legal References:**

42 USC Chap 13 (School lunch program)

42 USC Chap 13A (Child nutrition)

7 CFR 210.1-210.31 (National school lunch program)

7 CFR 220.1-220.21 (School breakfast program)

Adopted: June 8, 2015

## TOBACCO-FREE SCHOOLS

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

The use, possession, or promotion of tobacco on school property or during school-sponsored activities is prohibited. This policy shall be in effect at all times and shall apply to all students, employees and visitors.

For the purposes of this policy:

“Tobacco” means any substance or item, in any form, containing tobacco;

“School property” means all district-owned, rented or leased buildings, grounds and vehicles;

“School-sponsored activity” means any planned, organized, endorsed, or supervised activity involving district students or staff that occurs either before, during or after regular school hours;

“Promotion” means the use or display of tobacco-related clothing, bags, lighters, or other material that is designed to encourage the acceptance or use of tobacco.

Students or district employees found in violation of this policy will be subject to appropriate consequences, which may involve a range of enforcement options including disciplinary action and educational alternatives to disciplinary action. Visitors in violation of this policy will result in appropriate sanctions as determined and imposed by the administration, which may include direction to leave school property.

The superintendent shall provide reasonable public notification of the district’s policy, including, but not limited to, inclusion in student and staff handbooks. The superintendent may develop administrative regulations as necessary to implement this policy.

### **Legal References:**

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

SDCL 34-46-14 (Smoking in public place of employment prohibited)

Adopted: June 8, 2015

## TOBACCO-FREE SCHOOLS (Regulation)

### DISSEMINATION

To promote compliance with this policy, students, staff and the public shall be notified of the Harding County School District's tobacco-free schools policies and regulations. Notification procedures shall include, but are not limited to:

Summaries of this policy and relevant regulations shall be placed in the student and staff handbooks.

Sufficient signage shall be placed in appropriate locations throughout the district's buildings and grounds.

Event programs and similar documents that are often viewed by visitors shall contain a notification of the policy.

When appropriate, announcements about the school's policy will be made prior to or during school events.

### ENFORCEMENT

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. All individuals on school premises share in the responsibility for adhering to and enforcing this policy.

Tobacco-free policy enforcement is designed to educate students, staff and others about the health risks associated with tobacco. Punitive measures, in accordance with district policy, will be used for repeat offenders.

**Students:** Any student found in violation of this policy shall be required to complete an assignment as an alternative to formal discipline. The assignment will be determined by the building principal or designee and will focus on helping the student understand the consequences of tobacco use. Students found to repeatedly violate this policy shall be subject to disciplinary action pursuant to district policy.

**Employees:** Any district employee found in violation of this policy may be provided with tobacco cessation information and will be encouraged to participate in a tobacco cessation program. Employees found to repeatedly violate this policy shall be subject disciplinary action pursuant to district policy.

**Visitors:** Other adults observed to be in violation of this policy shall be asked to refrain from the behavior. Repeated violations of this policy will be handled on a case-by-case basis by an authorized district official and may result in a directive to leave school property.

## **DEFINITIONS**

For the purposes of this policy, tobacco means any substance or item, in any form, containing tobacco. The administration will treat the use, possession or promotion of all forms of nicotine-containing products or nicotine delivery devices, which may or may not include actual tobacco, as a violation of this policy, provided the product or device is not part of an individual's cessation program.

### **Legal References:**

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

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

### **Cross References:**

AEA: Tobacco-Free Schools

Adopted: Adopted June 8, 2015

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

## EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

The Harding County School Board will review its performance annually to ensure its proper discharge of responsibilities to the community. The Board recognizes that fault-finding and disparaging remarks serve no constructive purpose, and therefore, evaluation will be based on a positive approach, which will indicate the strengths of the Board and the areas of needed improvement.

The evaluation should meet local needs and provide for objective examination. Certain conditions are recommended to help the Board meet this goal, and thereby provide for the improvement of school board leadership. These conditions include:

1. Board member involvement in the development of standards by which they will evaluate themselves.
2. Holding the evaluation at a scheduled time and place, with no other items on the agenda, at a study or executive session and with all Board members present.
3. Developing a composite of individual members' opinions, and discussion of the results of a Board as a whole.
4. Supporting each judgment by as much rational and objective evidence as possible.

Upon final discussion of the results, the Board will develop both short-and long-range priorities to ensure continued proficiency in its areas of excellence, strengthening of adequate or weak areas and elimination of those areas no longer applicable to its performance.

Adopted: March 20, 1985

Reviewed: June 8, 2015

HARDING COUNTY SCHOOL DISTRICT NO. 31-1  
 BOARD SELF-EVALUATION

ANNUAL SELF-APPRAISAL OF THE SCHOOL BOARD

The following list of items pertains to the operation of the school board. Each board member rates his or her individual performance and the board as a whole. When evaluating your individual performance, reframe the questions in terms of "I". The evaluation scale to be used is

- |   |
|---|
| 5 – Outstanding<br>4 – Good<br>3 – Satisfactory but could improve<br>2 – Weak and should improve<br>1 - Ineffective |
|---|

A. Board Qualities	Self only	Board as a Whole
1. Board members demonstrate through actions that they believe all children can learn.		
2. Board members make decisions in terms of what is best of students		
3. Board members are independent, open-minded and respect the decisions of fellow board members and the administration		
4. The board strives to improve board skills and keep abreast of educational issues by attending workshops/conferences at the local, regional, and state levels.		
5. The board understands their role as a policy making body.		
6. The board annual reviews and revises the districts long-range plan		

B. Board Relationship with the superintendent	Self only	Board as a Whole
1. The board keeps the superintendent informed on issues, needs, and complaints in a manner allowing the superintendent the opportunity to solve related problems in a professional manner.		
2. The board establishes written policies which clearly interprets its position on policy matters pertaining to the school district thereby enabling the superintendent to properly carry out the wishes of the board.		
3. The board publicly supports the superintendent's administrative regulations and decisions and relays any disagreement in a private or executive session.		
4. The board disregards personalities and considers the recommendations of the superintendent in an unbiased and objective manner.		



C. Board relationships with the community		
1. Board members recognize that they represent the “entire” community and that it has entrusted them with the educational development of the children and youth of the community.		
2. The board takes the initiative in helping all community members to have all the facts all the time about their schools so it will readily provide the finest possible school program, school staff, and school facilities.		
3. The board recognizes that the community expects its primary concern to be what is in the best interest of each and every student without distinction as to who they are or what their background may be.		
4. Board meetings are conducted in a accordance with the open meeting law.		

D. Board relationship to financial management of the schools		
1. The board establishes the policies and provides the necessary resources to properly manage finances of the school district.		
2. The board requires proper accountability for the expenditure of school district funds.		
3. The board utilizes approved funding to maintain a high quality educational program in the district.		
4. The board keeps the community informed about the financial needs of the school district.		
5. The board ensures that the budget reflects the district’s long-range planning.		

E. General statements

Identify three strengths of your school board.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Identify three areas where your school board could improve.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Identify three priority performance goals for your board for the next school year.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Identify any areas for clarification of the role of the superintendent and the board.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Legal References:**

Adopted: 3/20/1985

Revised: 6/1/2012

Reviewed: 6/8/2015

## EVALUATION POLICY FOR CERTIFIED PERSONNEL

### A. PURPOSE.

The purpose of evaluations is to improve the quality of education for the students of the Harding County School District.

### B. FREQUENCY

All teachers must be given notice of any deficiencies at least once each semester for the first two years of employment in the Harding County School District as part of the supervision process. For the first two years of employment, teachers will receive at least one written evaluation based on classroom observations. Administrators will be evaluated twice per year for the first two years of employment. After two years of employment, all teachers and administrators will be evaluated at least once each year. This does not include the Superintendent. All teachers will be visited in their classrooms at least once each semester by their immediate supervisor.

### C. PROCEDURE:

The evaluation shall be on forms approved by the Board of Education with specific comments on strengths and recommendations for improvement. Each evaluation will be followed by a conference between the evaluator and evaluatee. At the conclusion of the conference both parties shall sign the evaluation form acknowledging that they have reviewed the contents. The evaluatee shall have an opportunity to attach written responses to the evaluation form as part of the formal evaluation. The evaluatee will receive a copy of the signed written evaluation form and a copy shall become part of the evaluatee's file.

### D. AREAS SUBJECT TO EVALUATION FOR ALL TEACHERS, CONSELORS AND LIBRARIANS

1. Preparation
2. Instructional skills
3. Management ability
4. Professional responsibility
5. Personal competencies and public relations

### E. USE OF RESULTS

Evaluations are to be used by the administration and staff to improve the quality of instruction. Evaluations should be the final piece of a comprehensive supervision process aimed at improving student achievement. Evaluation may be used in the determination of advancement, promotion, transfers, assignments and future employment.

F. FORMS

The Board of Education has adopted forms developed together with the administration and/or the Harding County Teachers Association for use with professional staff.

(Legal Ref: 13-43-26)

Adopted February 14, 1984

Revised: October 12, 1992

Revised: January 11, 1993

Revised December, 2004

Revised June 8, 2015

Adopted: March 20, 1985

Reviewed: June 8, 2015

## **EVALUATION OF INSTRUCTIONAL PROGRAMS**

The Harding County School Board expects its faculty and administration regularly to evaluate the education program. Such evaluation may be expected to lead to recommendations for modifications of practice, changes in content and new courses.

Elements of this evaluation may include:

1. Testing programs such as nationally standardized general achievement tests, national standardized tests in specific subject areas, and tests administered by other agencies.
2. Study of school achievement records.
3. Extent of and trends in admissions to colleges and universities.
4. State education department specialists and services.
5. Evaluation by other organizations and agencies.

An evaluation of the instructional programs will be made periodically, and the results will be presented to the School Board by the Superintendent.

Adopted: June 8, 2015

## **COMPLAINT POLICY FOR FEDERAL PROGRAMS**

A parent, student, employee, or district stakeholder who has a complaint regarding the use of federal NCLB funds and is unable to solve the issue, may address the complaint in writing to the Harding County School District's superintendent.

Disputes addressing the enrollment, transportation (including inter-district disputes), and other barriers to the education of children and youth experiencing homelessness are also addressed under this procedure. Parents, guardians, and unaccompanied youth may initiate the dispute resolution process directly at the school they choose, as well as at the district or district's homeless liaison's office. The parent or guardian or unaccompanied youth shall be provided with a written explanation of the school's decision including the rights of the parent, guardian, or youth to appeal the decision. Students should be provided with all services for which they are eligible while disputes are resolved.

- The Superintendent will investigate, within one week, the circumstances of the complaint and render a decision, within two weeks, after receipt of the complaint.
- The Superintendent will notify the complainant of the decision in writing.
- The complainant will be allowed one week to react to the decision before it becomes final.
- The complainant will either accept or disagree with the decision and will provide such acknowledgment in writing, addressed to the district Superintendent.
- If the issue is not resolved with the Superintendent, the complaint will be forwarded to the district's Board of Education for further review. The parent or guardian or unaccompanied youth shall be provided with a written explanation of the district's decision including the rights of the parent, guardian, or youth to appeal the decision.

Unresolved complaints may be forwarded by the stakeholder to the South Dakota Department of Education for review. (Consult SD Department of Education Complaint Procedure)

Adopted: June 8, 2015

## CONTESTED HEARINGS

The Harding County School Board may be required to assume a judicial role to ensure adherence to district policy. All contested matters will be heard in a fair and impartial manner, and the Board will resolve all disputes. All contested hearings shall adhere to the procedures outlined in this policy.

### HEARING

Hearings involving personnel and students are closed to the public.  
Requests for hearings to be conducted in open session will be considered by the Board.  
A verbatim record of the hearing will be made.  
Closed hearing records will be sealed pending a determination of the board.

### CONDUCT OF THE HEARING

The 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 may be represented by an attorney.  
Each party may make an opening statement.  
The complainant or petitioner shall present its case first.

### WITNESSES

All witnesses must take an oath or affirmation of truth.  
Witnesses may be present only when testifying.  
Each party may present, examine and cross-examine witnesses.  
The hearing officer may ask questions of witnesses and may allow other school board members to question witnesses.

### EVIDENCE

Each party may introduce evidence.  
All relevant evidence must be admitted.  
Unproductive or repetitious evidence may be limited by the hearing officer.  
Each party may raise objections. The basis for the objection must be stated.  
Each party may make a closing statement.

### DELIBERATION

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. The school board may seek advice during deliberation from its legal counsel. Consultation with any other person during deliberation may occur only if representatives of the parties are present.

## **DECISION**

The decision of the Board must be based solely on the evidence presented at the hearing and must be effected by a motion made in open session.

For closed hearings the motion must omit the names of the parties.

The Board shall notify the parties in writing of its decision.

### **Legal References:**

SDCL 1-25-2 (Executive or closed meetings)

SDCL 1-26-18 (Rights of parties at hearings on contested cases)

SDCL 1-26-26 (Ex parte consultations by agency personnel)

SDCL 13-10 (School district employees)

SDCL 13-32 (Supervision of students and conduct of school)

SDCL 13-43 (Employment of teachers)

ARSD 24:07 (Student due process)

Adopted: June 8, 2015