

## SECTION J: Students

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Section J of the EPS/NSBA policy classification system provides a repository for statements concerning students -- admissions, attendance, rights and responsibilities, conduct, discipline, health and welfare services. However, all policies pertaining to the instruction of students, and extracurricular programs and the curriculum are file in the Section I - Instruction.

JA	Student Goals
JB	Equal Educational Opportunities
JC	School Attendance Areas
JEA	Compulsory Attendance Ages
JEAA	Students' Alternative Instruction
JEB	Entrance Age
JEC	School Admissions
JECA	Admission of Resident Students
JEECA	Admission of New Residents and Students from Unaccredited Schools
JEECAC	Transfer from an Accredited School
JEECB	Tea Area School District Open Enrollment Policy
JEECBA	In-District Open Enrollment Policy
JEECBB	Foreign Exchange Students
JEECE	Student Withdrawal from School
JEED	Student Absences and Excuses
JEEEDA	Truancy
JEEEDB	Student Dismissal Precautions
JEEEE	Student Attendance Accounting
JEEEF	Released Time for Students
JEEEG	Exclusions and Exemptions from School Attendance
JEF	Student Rights and Responsibilities
JEFA	Student Due Process Rights
JEEFAA	Search and Seizure - Student
JEEFC	Student Conduct
JEEFCA	Student Dress Code
JEEFCC	Student Conduct on School Buses
JEEFCF	Hazing
JEEFCH	Alcohol and Other Drug Use by Students
JEEFCJ	Dangerous Weapons in the School
JEEFCL	Student Registered Sex Offenders
JEEFG	Interrogations and Searches
JEEFH	Student Complaints and Grievances
JEG	Student Discipline
JEGA	Prohibition of Corporal Punishment

JGB	Restraint and Seclusion
JGD/JGE	Student Suspension/Expulsion
JGDA	Suspension from Extra-Curricular Activities
JHC	Student Health Services and Requirements
JHCA	Physical Examinations of Student/Inoculations of Students
JHCC	Student Communicable Diseases
JHCD	Administering Medicines to Students
JHCDA	Student Self-Administration of Asthma or Anaphylaxis Medication
JHCDB	Epinephrine Auto-Injectors
JHCDC	Diabetes Health Care and Insulin Administration
JHD	Student Psychological Services
JHDA	Student Welfare Crisis Intervention
JHFA	Supervision of Students
JHFB	Student Safety Patrol
JHG	Reporting Child Abuse
JL	Student Gifts and Solicitations
JLG	Instruction/Programs for Homeless Students
JLG-R	Instruction/Programs for Homeless Students – Regulations
JN	Student Fees, Fines, and Charges
JNA	Loaning of Textbooks
JNB	Delinquent Student Fees, Fines and Charges
JO	Student Records
JOA	Student Directory Information
JOB	Student Surveys

## STUDENT GOALS

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

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

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

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

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

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

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**State References**

- SDCL 13-28-14 School privileges of persons honorably discharged from military service
- SDCL 13-28-5 Public school privileges free to children of legal age
- SDCL 13-28-6 Continuation of privileges to pupil becoming twenty-one during school year

**Federal References**

- CFR Title 45 Part 81 Practice and procedure for hearings
- CFR Title 45 Part 86 Nondiscrimination on the basis of sex in education programs
- Public Law 94-142 Education for All Handicapped Children Act of 1975

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**SCHOOL ATTENDANCE AREAS**

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

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

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

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**State References**

SDCL 13-23

Establishment and discontinuance of schools

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## COMPULSORY ATTENDANCE AGES

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Under South Dakota law, a child who is at least 6 years old by the first day of September, but who has not exceeded the age of 18 is of compulsory school age. It is the responsibility of every person having under their control a child between those ages to see to the child's attendance at school until the child has reached the age of 18, unless excused.

Any person who does not see to the school attendance of a child in their care will be guilty of a misdemeanor and if convicted, will be subject to a fine as established by law.

No student will be denied the right of attending school without due process of law.

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### State References

SDCL 13-27-1	Responsibility for school attendance
SDCL 13-27-2	Attendance excused by school board
SDCL 13-27-11	Failure to send child to school
SDCL 13-27-12	Enforcement power and duty of secretary
SDCL 13-27-16	Warning by school board
SDCL 13-32-4.1	Attendance policy

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## STUDENTS' ALTERNATIVE INSTRUCTION

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Children of compulsory school age must regularly attend some public or non-public school, unless excused from school attendance. Upon filing of a notification with a school official from the parent or guardian of the child because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics, the child shall be excused, without the necessity of school board action. The secretary of the Department of Education may inspect the attendance records and records showing academic progress of an alternative education program with fourteen days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. Failure to provide instruction is grounds for the school board, upon thirty days' notice, to revoke the excuse from school attendance.

The notification of alternative instruction must be submitted on the SD DOE notification form and filed annually with the school district.

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### State References

SDCL 13-27-1	Responsibility for school attendance
SDCL 13-27-2	Attendance excused by school board
SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-27-7	Applications for excuse from attendance
SDCL 13-27-8	Appeal on attendance matters to state board
SDCL 13-27-9	Record of certificates of excuse from attendance
SDCL 13-27-29	Placement of child who has attended unaccredited school or alternative program

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## ENTRANCE AGE

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### Kindergarten

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

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

### First Grade

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

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

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### **State References**

SDCL 13-27-1

Responsibility for school attendance

SDCL 13-27-3.1

Birth certificate or affidavit to be submitted

SDCL 13-28-2

Kindergarten enrollment eligibility

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## SCHOOL ADMISSIONS

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In accordance with state law, all persons five years old by September 1st and under 21 years of age and all veterans (except dishonorably discharged veterans) who are residents of the district will be eligible to attend the public schools free of charge, if they have not already received a high school diploma.

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

- Proof of date of birth through a birth certificate or affidavit in lieu of birth certificate.
  - Record of immunizations
  - Proof of School District residency, if requested.
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### State References

SDCL 13-27-1	Responsibility for school attendance
SDCL 13-27-1.1	Religious exemption after eighth grade
SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-27-3.1	Birth certificate or affidavit to be submitted
SDCL 13-27-7	Applications for excuse from attendance
SDCL 13-27-8	Appeal on attendance matters to state board
SDCL 13-27-9	Record of certificates of excuse from attendance
SDCL 13-27-29	Placement of child who has attended unaccredited school or alternative program
SDCL 13-28-5	Public school privileges free to children of legal age
SDCL 13-28-7.1	Tests and immunizations for communicable diseases
SDCL 13-28-14	School privileges of persons honorably discharged from military service
SDCL 13-28-21	Admission of nonresident students

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**ADMISSION OF RESIDENT STUDENTS**

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

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

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

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

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**State References**

SDCL 13-28-9

School residence for free school privileges

SDCL 13-28-10

School residency of child

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## **ADMISSION OF NEW RESIDENTS AND STUDENTS FROM UNACCREDITED SCHOOLS**

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An elementary aged child who has been attending an unaccredited school in another state or country or has been receiving alternative instruction and seeks to enroll in the District shall be placed at the child's demonstrated level of proficiency as established by the standardized test administered to enrolled students in that grade in this District. Such child's placement may not be in a grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his or her demonstrated performance.

A child of secondary school age who has been attending an unaccredited school in another state or country or has been receiving alternative instruction who seeks to enroll in the District shall be placed in English and math at the level of achievement demonstrated by standardized tests administered to enrolled students of that age, and in all other subjects on a review of transcripts according to this policy. The child's placement may not be in a grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his/her demonstrated performance.

Procedures for determining units of credit for high school age students who have attended an unaccredited school or alternative program:

1. The principal shall appoint a credit review committee consisting of the high school staff deemed appropriate, and the parents or guardians. The purpose of the credit review committee is to make recommendations to the principal regarding which high school credits should be awarded to the applicant for work completed in the unaccredited school or alternative instruction program.
2. The credit review committee shall ensure that the student enrolling has completed at least one standardized achievement test in the areas of English and Math selected by and administered by the school district.
3. The credit review committee shall recommend to the principal units of credit for English and Mathematics based on the student's composite Subtest achievement scores in Reading (English) and Mathematics as deemed appropriate by the committee.
4. The credit review committee shall recommend to the principal units of credit for subjects other than English and Mathematics based upon factors, including but not limited to the following: classes taken, transcripts, class or course syllabus for each course taken, and District approved minimum competency tests in particular subject

areas.

5. Should there not be a consensus within the credit review committee, the committee shall submit to the principal the differing recommendations and the rationale for each recommendation given.
6. Upon receipt of the credit review committee recommendations, the principal shall determine which credits are to be applied for purposes of grade and class placement and toward graduation credits.
7. All students who have attended an unaccredited school or alternative program and enrolling in the District shall be required to meet District graduation requirements before being issued a diploma.
8. Any parent or guardian who is dissatisfied with the secondary placement by the principal of the child may appeal it using the procedure found in this policy.

The following procedure shall be used to address an appeal of the Principal's decision.

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. 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 Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. 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. 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.

The Superintendent's decision may be appealed by the Complainant to the Board of Education.

The following procedure shall be used to address an appeal of the Superintendent's decision.

1. An appeal to the School Board shall be in writing. 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, and the Superintendent's decision.

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.
3. The School Board shall schedule a date, time and location for the appeal hearing

The Board of Education's decision may be appealed by the Complainant to the Secretary of Education within (10) ten calendar days of receipt of the School Board's written decision.

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**State References**

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

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## **TRANSFER FROM AN ACCREDITED SCHOOL**

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

Upon recommendation of the Superintendent, the Board may award credit for promotion and/or graduation through the results of proficiency testing, correspondence courses, and other educational endeavors during the regular school year which are not within the school curriculum. In awarding credit, the course or program must be pre-approved by the Principal, Superintendent and Board.

The District shall accept transfer credits earned by a student outside the regular school year for any course taken by the student from another school accredited by the South Dakota Department of Education.

The District shall accept the transfer credits only if the parents or emancipated student notifies the high school principal in writing, prior to taking the course(s) for which credit is to be received. The notification must include the student's name, the starting and ending dates for each course to be taken, the school accredited by the South Dakota Department of Education from which the course is to be taken, and provide documented verification of enrollment or registration for the course. The course syllabus must be attached to the notification.

If the school fails to receive such prior written notice, the school shall refuse to accept the credits.

If, upon review of the coursework for which transfer credit is sought, the principal determines that the course rigor is not sufficient to meet the graduation requirements established by the South Dakota Board of Education or by the District, the transfer credits earned by the student for the course will count as elective credits, but the course will not count as a course required for graduation.

If the principal determines that the credit(s) do not meet graduation requirements, the principal shall notify the student in writing and explain the reason for that determination and to cite the provisions of formally adopted school policy that apply.

The following procedure shall be used to address an appeal of the Principal's decision.

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.

3. 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 Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. 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. 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.
4. The Superintendent's decision may be appealed by the Complainant to the Board of Education.

The following procedure shall be used to address an appeal of the Superintendent's decision.

1. An appeal to the School Board shall be in writing. 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, and the Superintendent's decision.
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.

The School Board shall schedule a date, time and location for the appeal hearing

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**State References**

SDCL 13-33-30

Schools required to accept transfer credits

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## TEA AREA SCHOOL DISTRICT OPEN ENROLLMENT POLICY

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The parent or legal guardian of a South Dakota kindergartener through twelfth grade student who wishes to enroll their student in a school other than the school to which the student has been assigned must apply to enroll in another district.

For the purposes of this policy, the term “resident district” means the district in which a student has legal residence as determined by SDCL 13-28-9. The term “nonresident district” means the school district in which a nonresident student seeks to enroll. An “emancipated student” is a student under the age of 18 who (1) has entered into a valid marriage, (2) is on active military duty, or (3) who has obtained a court order declaring the child emancipated.

### **GENERAL GUIDELINES**

1. All requests for open enrollment to the Tea Area School District must be submitted to the Superintendent of Schools on the official application form provided by the South Dakota Department of Education. The application must be made by the student’s parent or guardian (if the student is under age 18) or by an emancipated student.
2. Student open enrollment applications to attend a school within the Tea Area School District will be reviewed by acting on nonresident applications in the order in which they are received.
3. Tea Area School District staff’s children will be accepted into the district following the Open Enrollment Timelines as set forth in this policy.
4. Decision to accept or reject open enrollment applications will be based on the criteria listed under “Open Enrollment Application Standards” in this policy. The applicant and the resident school board, if applicable, will be notified within five days of the decision.
5. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the district the student applied.
6. Once approved by the nonresident district, the approved application serves as the applicant’s notice of intent to enroll in the nonresident district and obligates the student to attend the nonresident district during the school year, unless the affected school board or board’s designee agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

7. Open enrollment and other transfers that occur during a school year are only allowed at the start of a semester or under special circumstances as determined by the school board or the board's designee per SDCL 13-28-43.
8. Once enrolled under open enrollment in a nonresident district, the student may remain enrolled and is not required to resubmit annual applications.
9. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement.

Students may be transported by district bus provided there is space available and the bus route will not be altered.

### **OPEN ENROLLMENT TIMELINES:**

#### **Applications for the Succeeding School Year**

Open enrollment applications for the succeeding school year will not be accepted until December 1 of the school year preceding enrollment. The applicant shall be informed within five working days after the district's action on the application.

#### **Applications for the Current School Year**

Open enrollment applications to transfer to another school during the current school year will be accepted throughout the current school year. The applicant shall be informed within five working days after the district's action on the application. Open enrollment transfers that occur during a school year will only be allowed at the start of a semester or under special circumstances as determined by the school board or the board's designee per SDCL 13-28-43.

### **OPEN ENROLLMENT APPLICATION STANDARDS**

Pursuant to SDCL 13-28-44 the Tea Area School District hereby adopts the following relevant standards for the acceptance and rejection of an application to open enroll:

1. Open enrollment applications must be made according to the "Open Enrollment Timelines" set forth in this policy.
2. Open enrollment requests will be granted on a space available basis at the time the request is considered. Class size, program capacity, grade level and building capacity restrictions are necessary in order to allow room in schools for students who may move into the school district's boundaries. The Tea Area School Board, at its discretion may deny an application for open enrollment, provided that approval of such application results in exceeding the average student to teacher ratio, program capacity or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may be above these ratios because of students living in and or moving into the school district's boundaries.

- Junior Kindergarten: Open Enrollment applications are not accepted for placement directly into Junior Kindergarten. Students are placed in Junior Kindergarten after careful evaluation of a screening process that all Kindergarten students go through.
  - Kindergarten through Grade 8: The average student to teacher ratio shall not exceed 15 students per section as a result of open enrollment.
  - Grade nine through twelve: An open enrollment may not cause a core content course or required course to exceed 20 students per section.
3. Special Education Program Capacity
    - Grouping programs designed to assist children with unique disabilities will be closed to open enrollment during a school year when they reach capacity (cannot be accommodated at current staffing levels or the building is at capacity), and for the succeeding school year if they reach 80% of capacity at the end of the previous school year.
    - Resource and related service programs will be closed to open enrollment if students cannot be accommodated at current staffing levels or the building is at capacity.
  4. Notwithstanding the limitations provided in this policy, if a resident student of the district ceases to be a resident of the district, the student may be permitted to open enroll provided such enrollment does not affect the ability of the district to provide a quality educational program.
    - *Students Moving Out of Tea Area Wishing to Enroll*  
A student(s) will be allowed to open enroll back into the district if he/she lived within the boundaries and attended Tea Area schools at least three consecutive years prior to a move outside of the district.
  5. If two or more students from the same family residing in the same household request open enrollment in another school district, all requests must be either approved or denied. No denial of application may result in children from the same household enrolling in different school districts.
  6. Any student under long term suspension or expulsion may not be allowed to enroll until the suspension or expulsion is completed.
  7. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.
  8. Once approved by the district in which the student wishes to enroll, the approved application serves as the applicants notice of intent to enroll in the nonresident district or desired school during the school year and obligates the student to attend school in the nonresident district or desired school during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district. (SDCL 13-28-43).
  9. The decision of the Superintendent of Schools regarding a student's application for open enrollment or a request to return to the resident district or assigned building

may be appealed. Appeal of a decision by the Superintendent may be directed to the School Board. The decision of the School Board regarding a student's application for open enrollment or a request to return to the resident district is subject to de novo appeal to the Secretary of Education.

## **OPEN ENROLLMENT OF SPECIAL EDUCATION STUDENTS**

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

Students may be transported by district bus provided there is space available and the bus route will not be altered.

3. If the nonresident school district special education administration is not able to confirm the provision of an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the nonresident district must initiate an individual educational program team meeting consisting of representatives from the resident district and the nonresident district to determine whether the nonresident district can provide an appropriate instructional program, facilities, and transportation necessary.
4. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to SDCL 13-28-44 or if an individual education program team consisting of representatives from the resident district and nonresident districts determine that the nonresident district cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
5. If a parent or guardian of a student in need of special education or special education and related services requests to transfer the student back to the resident district, the affected school board or boards, or the boards designee must agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

6. If two or more students from the same family residing in the same household request open enrollment and the nonresident district determines it can provide an appropriate special education or special education and related services for one or more of the students, the applications may be approved. However, if the nonresident district cannot provide appropriate special education or special education and related service for one or more of the students in need of special education and related services, the nonresident district may deny those applications for open enrollment.
  
7. If it is determined that a parent or guardian of a student in need of special education or special education and related services submitted a request for an open enrollment transfer, but did not indicate that the student needs special education services on the application, the open enrollment transfer application will be considered void and the transfer request will be conducted according to the special education open enrollment guidelines set forth in this policy to determine if the student's open enrollment request can be approved.

### **State References**

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

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## IN-DISTRICT OPEN ENROLLMENT POLICY

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### Definitions

1. Home Attendance Center (HAC): The school assigned to the attendance area in which a student's parent or legal guardian resides.
2. Assigned School: The school to which a student has been assigned by the Superintendent, or designee, or the school to which a student is assigned under open enrollment.

### Assignment of Students to Schools

Students in the Tea Area School District shall attend school in their HAC unless approval is granted by the superintendent with an opportunity to appeal the decision to the Board of Education.

If daycare is provided at the work site, elementary students may attend the school in the attendance area assigned to the workplace of the student's parent or legal guardian on a space available basis as defined by the open enrollment guidelines.

If a student's residency is created solely for the purpose of attending a particular school without intent to reside at that residence, the District may, at any time during the school year, transfer the student to the appropriate HAC.

If a district employee requests an elementary attendance center, his or her request will be granted provided the request will not require the addition of another section and that all required services are currently provided at that attendance center.

Students with special needs may be assigned to designated buildings for achieving access to District programs.

Students in need of special education or special education and related services may be assigned by a placement committee to buildings where appropriate education programs exist to meet their needs as specified in the Individualized Education Program (IEP).

Open enrollment requirement for students in special education are outlined in the section of this regulation entitled Open Enrollment Application Standards.

### Change of Residence within District K-12 Boundaries

In the event a parent or legal guardian changes legal residence from one HAC to another, one or more of the following will apply:

1. For the current year:
  - A student may remain at the school where the student is enrolled at the time of the change in residence for the remainder of the school year; or
  - A student may transfer to HAC of the student's new residence.
2. For succeeding school years:
  - If prior to the change in residence, a student has been enrolled for two (2) consecutive quarters in one school year at the school where the student is enrolled at the time of the change in residence, the parent/guardian may elect to have their student remain at that school through the completion of the school's respective year span by filing the open enrollment form with the business office or may transfer to the HAC of the student's new residence; or
  - If prior to the change in residence, a student has been enrolled for less than two (2) consecutive quarters in one school year at the school where the student is enrolled at the time of the change in residence, the student must enroll for the succeeding school year at the school in the HAC in which the new residence is located or apply for open enrollment.

The District's right to change/alter attendance center boundaries overrides any rights created by this section.

### **Transportation Outside Student Home Attendance Center**

When the parent or legal guardian chooses for a student to remain at a school outside of the HAC or seeks assignment to a school outside of the HAC, the parent or guardian is responsible for transporting the student to and from the school without reimbursement. Student may be transported by district bus provided there is space available on the bus and the bus route will not be altered.

### **In-District Open Enrollment**

The parent or legal guardian of a Tea Area School District elementary student who wishes to enroll the student in a school other than the HAC must complete an application for open enrollment.

All applications for open enrollment must be submitted to the business office on the official application form.

Open Enrollment Applications will be acted upon in the order they are received. Decisions to accept or reject open enrollment requests will be based on the criteria in the "Open Enrollment Application Standards" section of this regulation.

The applicant will be notified within five days of the Board of Education decision.

### **Open Enrollment Application Standards**

Open enrollment application standards can be found in Policy JECB – Tea Area School District Open Enrollment Policy.

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Original Adopted Date: December 2013

Reviewed: April 2018

Revised: February 2019

## FOREIGN EXCHANGE STUDENTS

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

Proper I-20 forms (US Department of Homeland Security documents) and any other required papers must be processed by the district, the student, and the sponsoring organization before an international student can be formally admitted to school.

Foreign exchange students will be considered a part of their age appropriate class. Only two (2) foreign exchange students will be accepted per school year. Foreign exchange students will not graduate nor take part in the senior experience.

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### State References

SDCL 13-27-3.1	Birth certificate or affidavit to be submitted
SDCL 13-28-10	School residency of child
SDCL 13-28-5	Public school privileges free to children of legal age
SDCL 13-28-7.1	Tests and immunizations for communicable diseases
SDCL 13-28-9	School residence for free school privileges

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT WITHDRAWAL FROM SCHOOL

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

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

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

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

Students who are 18 years of age may withdraw from school.

Eligible school age students seeking re-admittance to the district schools will be permitted to re-enroll at the beginning of established semesters or approved by the principal, and will be required to provide notification of their intent to re-enroll one week prior to the start of a semester.

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT ABSENCES AND EXCUSES

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

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

Certain absences of students may be excused by the principal. Specific attendance policies for each grade level are published in the student handbooks. These policies are updated annually and reviewed by the school board. Also with such approval, students may be excused from school attendance for up to five days each term for attendance at a state or nationally recognized youth program of educational value.

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

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### State References

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

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

**TRUANCY**

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

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

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

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**State References**

SDCL 13-27-14	Truancy officer employed by district
SDCL 13-27-16	Warnings by school board
SDCL 13-27-18	Neglect of duty
SDCL 13-27-19	Power of truancy officers to apprehend truant children
SDCL 13-27-20	Complaints against persons responsible for truancy
SDCL 13-27-21	Warrant for arrest

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT DISMISSAL PRECAUTIONS

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Students in any school, grade, or class may not be dismissed before the regular hour of dismissal except with the approval of the superintendent or his or her designee.

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

No student will be permitted to leave school prior to the dismissal hour in the company of anyone other than a school employee, or parent of the child, unless the permission of the parent has been first secured. If a policeman or court official requests the dismissal of a pupil during school hours, he or she must have a warrant or communication must be made by the parent or guardian before the student is dismissed. Emergency situations may arise and administrator's judgement will be used for safety and wellness of all involved.

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Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**STUDENT ATTENDANCE ACCOUNTING**

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

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

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**State References**

SDCL 13-27-15

Attendance records maintained

SDCL 13-27-17

Investigations and records of truancy officer

SDCL 13-27-9

Record of certificates of excuse from attendance

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**RELEASED TIME FOR STUDENTS**

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

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

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

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

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**State References**

SDCL 13-33-10

Released time for religious instruction

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

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The law provides for the exemption of students of compulsory school age from attendance when the child is provided with competent alternative instruction for a like period of time as would be provided by the public schools. Excuse from school is effective without board action upon filing an application with the school superintendent.

The Board may revoke a certificate of excuse, if, upon inspection by the Secretary of Education, it is shown that the student is not being taught in compliance with the standards of state law. Upon revocation of a certificate of alternative instruction, the parent or legal guardian may appeal the decision to the State Board of Education, which will conduct a hearing. The State Board's decision will be final.

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### State References

SDCL 13-27-3	Child excused if provided alternative instruction
SDCL 13-27-7	Applications for excuse from attendance
SDCL 13-27-8	Appeal on attendance matters to state board
SDCL 13-27-9	Record of certificates of excuse from attendance

Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

## STUDENT RIGHTS AND RESPONSIBILITIES

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The Board recognizes that it has the responsibility to assure students the legal rights that are theirs by virtue of guarantees offered all persons under the federal/state constitutions and statutes. In connection with rights are responsibilities that must be assumed by students.

A student is responsible for the way he or she exercises his or her rights, and he or she must accept the consequences of his or her actions and recognize the boundaries of his or her rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

### STUDENT RIGHTS IN PUBLIC SCHOOLS

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

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

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

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT DUE PROCESS RIGHTS

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Discipline in the schools is critical to the provision and implementation of public education. The Board and school administrators have the legal authority to deal with disruptive students and student misconduct. The United States Constitution and The South Dakota Constitution entitle all students to due process when they are subjected to deprivation of a property right. The Board recognizes the importance of safeguarding a student's constitutional rights.

Due process is an established course for judicial proceedings or other governmental activities designed to safeguard the legal right of the individual.

A student whose conduct may warrant suspension or expulsion shall be provided with appropriate due process. Due process, in the context of the administrative proceedings carried out by school authorities, refers to the notification and hearing procedures established by the South Dakota Board of Education.

Due process procedures shall be fair and apply equally to all. Fairly enforcing due process procedures involves:

- Adequate and timely notice and an opportunity to prepare a defense;
- An opportunity to be heard at a reasonable time and in a meaningful manner and;
- The right to a speedy and impartial hearing on the merits of the case.

### STUDENTS IN SPECIAL EDUCATION

Students who attend public school on an individualized educational program (IEP) are subject to due process procedures established by the South Dakota Board of Education under administrative rules for special education. The administration shall consult with a student's individualized education program (IEP) team to balance student disciplinary actions with the provision of a free and appropriate public education for students with disabilities.

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### State References

ARSD 24:05:26	Suspension
ARSD 24:05:26.01	Expulsion
ARSD 24:05:30	Procedural safeguards
ARSD 24:07	Student due process
SDCL 1-26-26	Ex parte consultations by agency personnel
SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension

SDCL 13-32-4.7

Early reinstatement – Due Process

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

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**SEARCH AND SEIZURE - STUDENT**

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All district property, including, but not limited to, real estate, buildings, offices, desks, storage areas, lockers, computer systems and equipment, voice-mail, and vehicles, is owned by the district, and is intended for educational purposes, and district business, at all times.

Individuals using district-owned property (system users) shall have no expectation of privacy when using school property. The district reserves the right to monitor, inspect, copy, review and store (at any time and without notice) all usage of district property including computer and computer systems, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed and/or received through district computers and computer systems shall remain the property of the school district.

System users have no right of privacy and should have no expectation of privacy in materials sent, received, or stored in district-owned computers or on the district system or within the physical area of the district. School officials reserve the right to review district system/property use at any time to determine if such use meets the criteria set forth in school board policies and district regulations. Routine maintenance and monitoring of the system and physical plant may lead to the discovery that the user has or is violating district policy or law. Once a problem is discovered, an individual search may be conducted. The search/investigation will be reasonable and will be in keeping with the nature of the alleged misconduct.

Employees or students violating acceptable use of district property, or policy, may be subject to disciplinary action by the Superintendent or designee, depending on the nature of the violation.

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**State References**

SDCL 13-5-1

School districts defined

SDCL 13-8-39

Management of schools by board – general powers

Original Adopted Date: May 2018

Reviewed: April 2018

Revised: May 2018

## STUDENT CONDUCT

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The Board expects students in the district schools to act in such fashion that their behavior will reflect favorably on the individual student and on the school; will show consideration for fellow students; and will create a safe harmonious school atmosphere. Students are expected to conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property; while on school owned and/or operated school or chartered vehicles; or while attending or engaged in school activities.

To accomplish this, all students must recognize their individual responsibilities and obligations and discharge them in accordance with the school regulations.

1. Any of the following actions or similar behaviors will subject a student to suspension, expulsion or other school disciplinary measure: Intentionally causing or attempting to cause damage to school property; or stealing or attempting to steal school property;
2. Intentionally causing or attempting to cause damage to private property; stealing or attempting to steal private property;
3. Intentionally causing or attempting to cause physical injury to another person except in self-defense;
4. Knowingly possessing or transmitting any firearm, knife, explosive, or other dangerous object;
5. Knowingly possessing, using, transmitting, or being under the influence of, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, intoxicant of any kind;
6. Knowingly using or copying the academic work of another and presenting it as his or her own;
7. Repeatedly and intentionally defying the valid authority of supervisors, teachers, or administrators, and/or causing interruption of the school program;
8. Using a substance, hoax substance, or device to cause fear of, or communicate, a terroristic act;
9. Falsely reporting a threat.

In addition to school disciplinary measures, some of the above actions are subject to punishment through civil and criminal agencies.

The above prohibited actions may be printed in a handbook or other publication and made available to students and parents.

School building administrators will not recommend a student for suspension or expulsion, except when the student has engaged in one of the prohibited actions mentioned above or other acts of misconduct while on school property or taking part in a school activity off school grounds.

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**State References**

SDCL 13-32-5	Injury to school property as grounds
SDCL 13-32-6	Disturbance of school as a misdemeanor
SDCL 13-32-7	Possession of firearms on premises
SDCL 22-14A-24	Use of substance or device to communicate felonious threat
SDCL 22-14A-25	Use of hoax substance or device to cause fear
SDCL 25-5-15	Parental liability for willful acts of child

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

**STUDENT DRESS CODE**

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

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

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT CONDUCT ON SCHOOL BUSES

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When a child is riding, boarding, or leaving the bus, the bus driver has supervisory control over the student.

In view of the fact that a bus is an extension of the classroom, the Board will require children to conduct themselves in the bus in a manner consistent with established standards for classroom behavior.

The superintendent or designee is responsible for the development and implementation of bus rules and bus discipline policy. These policies will be printed in the student handbook and/or other publication and made available to students and parents.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the principal or designee. In such cases, the parents of the children involved become responsible for seeing that their children get to and from school safely.

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### State References

SDCL 13-32-2

Physical force authorized when necessary

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**HAZING**

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It is the policy of the Board of Education and school district that hazing activities of any type are inconsistent with the educational process and will be prohibited at all times. Hazing is defined as:

Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibition contained in this policy.

No administrator, faculty member, or other employee of the school district will encourage, permit, condone, or tolerate hazing activities. No student, including leaders of student organizations, will plan, encourage, or engage in any hazing.

Administrators, faculty members, and all other employees of the school district will be particularly alert to possible situations, circumstances of events, which might include hazing. If hazing or planned hazing is discovered, involved students will be informed by the discovering school employee of the prohibition contained in this policy and will be required to end all hazing activities immediately. All hazing incidents will be reported immediately to the Principal, Activities Director (if applicable) and Superintendent.

Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to disciplinary action, and may be liable for civil and criminal penalties in accordance with state law.

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**State References**

SDCL 13-8-39	Management of schools by board – General powers
SDCL 13-32-1	Disciplinary authority over students on school premises
SDCL 13-32-2	Physical force authorized when reasonable and necessary – Attendance at school functions away from premises – Authority of bus drivers
SDCL 13-32-4	School board to assist in discipline – Suspension and expulsion of pupils – Report to local authorities – Hearings – Alternative settings
SDCL 13-32-5	Injury to school property as ground for suspension or expulsion

Revised: May 2018

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**ALCOHOL AND OTHER DRUG USE BY STUDENTS**

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The following document outlines policy on student use of alcohol and other drugs in the school district. This policy is in effect on premises owned, leased or maintained by the school district, at all school-related activities on and off campus, on vehicles used to transport students to and from school or at other activities and in vehicles parked on school property. Students and parents/guardians are expected to know and understand the policy provisions and its mandatory nature.

**POLICY**

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, nor be under the influence of alcohol and/or other illegal drugs. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs.

Students who use prescription drugs authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

**DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES ARE OUTLINED IN STUDENT HANDBOOKS.****USE OF ALCOHOL SENSORS**

In keeping with its commitment to protect all pupils and the school community from the harm of alcohol use, the Board authorizes the Superintendent, Principals, and designee(s), to use a portable breath test (PBT) and passive breath alcohol sensor device (PBASD) to screen for evidence of breath alcohol.

The purpose for using a PBT and PBASD is to protect pupils who may be under the influence of alcohol, other pupils, staff and community members attending school events and to deter the use of alcohol by pupils. As PBT and PBASD implementation is intended primarily as a deterrent to student and youth alcohol use, nothing set forth in this policy precludes school district personnel from using the power of observation and professional judgment when there is reasonable suspicion of youth alcohol consumption.

The Board authorizes PBT and PBASD screening of students during the school day upon reasonable suspicion that a student may have consumed alcohol, and of attendees before, during and after school activities/events including, but not limited to dances, athletic events, proms, class trips, drama productions, graduation ceremonies, or school assemblies.

If the PBT or PBASD screening indicates the presence of alcohol on District student, the matter shall be reported to the Principal or designee and law enforcement. District

students violating this policy will be disciplined according to the discipline procedures outlined in the student handbooks. School age persons from other districts attending school and district sponsored events who are suspected of alcohol consumption will be reported to the Principal or designee and law enforcement.

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### **State References**

SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension
SDCL 13-32-4.3	Effect of suspension or expulsion on enrollment
SDCL 13-32-9	Suspension from extracurricular activities
SDCL 22-42-19	Drug free zones created
SDCL 26-11-5.1	Notice by law enforcement of suspected student alcohol/drug violation or violence threat

Original Adopted Date: May 2018

Reviewed: April 2018

Revised: May 2018

## DANGEROUS WEAPONS IN THE SCHOOL

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Schools should be an example of what is required regarding the observance and respect for law in society at large. Schools also must be highly conscious of the health, safety, and welfare of students, staff, and the public.

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

A dangerous weapon is defined in SDCL 22-1-2 includes but is not limited to any firearm, or air-gun, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm.

No firearms or dangerous weapons are permitted on any school premises, school vehicle or any vehicle used for school purposes, in any school building or other building or premises used for school functions. An exception would be weapons under the control of law enforcement personnel, starting guns while in use at athletic events, firearms or air-guns at fire ranges, gun shows, authorized supervised school training sessions for the use of firearms and to the ceremonial presence of unloaded weapons at color guard ceremonies. Any violations shall be reported to local law enforcement authorities.

Any student bringing a firearm or dangerous weapon to school, except as provided by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The superintendent shall have the authority to recommend to the school board that this expulsion requirement be modified on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504.

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### State References

SDCL 13-32-4.2

Procedure for suspension

SDCL 13-32-7

Possession of firearms on premises

SDCL 22-1-2

Definition of terms

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## STUDENT REGISTERED SEX OFFENDERS

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

### **STUDENT (REGISTERED) SEX OFFENDERS ON SCHOOL PROPERTY**

Except to the extent that permission is granted by the School District, a student who is enrolled in the school system and is a registered sex offender, is forbidden to be present on any property owned or operated by the District, including but not limited to school buildings, athletic fields or facilities, parking lots, buses, vehicles or other property, and to attend school-sponsored or school-related activities.

A student required to be a registered sex offender, who is receiving educational services on school property, must comply with all requirements including supervision.

### **EDUCATIONAL SERVICES FOR STUDENT (REGISTERED) SEX OFFENDERS**

1. If permitted by the Superintendent, a student, subject to the previous section, may be present on school property subject to any conditions and restrictions imposed by the Superintendent or designee.
2. If a student subject to this policy violates the conditions and restrictions placed upon the student, appropriate disciplinary measure will occur up to and including expulsion.
3. If a student subject to this policy is one with disabilities, educational services will be provided in accordance with federal and state law.

All procedures and requirements are subject to the District's appeal process.

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### **State References**

SD Constitution Article 8 §1	Uniform system of free public schools
SDCL 13-27-1	Responsibility for school attendance
SDCL 22-24B	Sex offender registry

Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

## INTERROGATIONS AND SEARCHES

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### Students

#### Student Searches

Tea Area School District administrators are authorized to make searches of students, students' personal property and vehicles, and District owned/provided property under the conditions outlined below.

"District owned/provided property" includes, but is not limited to buildings, parking lots, desks, instruments, electronic devices, storage containers, storage areas, lockers, computer systems and equipment, voicemail, and vehicles. This property is intended for use for educational purposes and District business only.

#### Student and Student Property Searches

A student and/or a student's personal property may be searched when a school administrator has reasonable suspicion to believe that the student is in possession of items that are unauthorized, illegal, or contraband. Physical searches of a student's garments while being worn will be conducted in the most professional and respectful manner possible including but not limited to a private. Two school employees, one of whom is a school administrator, must be present during the search. The employee who conducts the search must be the same gender as the student.

A more intrusive search of the student's person is permissible in emergency situations when the health and safety of students, employees or visitors on the school premises are threatened. Such a search will be conducted in the most professional and respectful manner possible. by a school administrator of the same gender, with an adult of the same gender present, unless the health or safety of students will be endangered by the delay caused by following these procedures.

If a personal search has been conducted, the administration will inform the parent/guardian by the end of the day. If circumstances do not allow for verbal notification on the same day, written communication will occur.

#### Searches of District Owned/Provided Property

District owned/provided property is temporarily assigned to individual students but remains the property of the District at all times. Students have no expectation of privacy or confidentiality when using District owned/provided property.

However, students are expected to assume full responsibility for the security of District owned/provided property. Students are not to share District owned/provided property unless assigned by the administration.

*Maintenance Searches* – The District has a reasonable and valid interest in ensuring that District owned/provided property is properly maintained. For this reason, periodic inspection of District owned/provided property is permissible to check for cleanliness and vandalism. General maintenance inspections may be conducted by school staff if

instructed by the principal at any time without notice, without the student's consent and without a search warrant.

Any contraband discovered during such searches will be confiscated by the administration. The administration may refer a student to outside agencies for assistance depending upon the severity of the situation.

*Non-maintenance Searches* – District owned/provided property and its contents may be searched by a school administrator when a reasonable suspicion exists that the locker contains items that are unauthorized, illegal, or contraband. Searches should be conducted in the presence of another adult witness.

### **Vehicle Searches**

Students are permitted to park on school premises as a matter of privilege, not a right. The school retains authority to conduct routine patrols of the student parking lots and inspections of the exterior of vehicles. The interior of a student's vehicle on the school premises may be searched by a school administrator if the administration has reasonable suspicion to believe items that are unauthorized, illegal, or contraband are contained inside. Whenever possible the student should be aware of and be involved in a search of the vehicle. Emergency situations may necessitate a search with or without the student's knowledge or consent. Such searches must always involve two adults.

### **Law Enforcement Involvement**

Any search and/or seizure by law enforcement officials will occur only when law enforcement officials properly advise school personnel that they have lawful authority to conduct the search and/or seizure.

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### **Federal References**

\*New Jersey v. T.L.O.                      Student search and seizure

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Reviewed: April 2018  
Revised: May 2018

**STUDENT COMPLAINTS AND GRIEVANCES**

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

The Board desires student complaints and grievances to be resolved through orderly processes and at the lowest possible level, but that channels be provided for eventual hearing by the Board in instances when this becomes necessary. The Student Grievance Procedure will be printed in the student handbook and made available to students and parents.

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT DISCIPLINE

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Staff and students share responsibility for maintaining a climate in which education can be pursued. What is best for the individual must be balanced with what is most desirable for the entire school population.

The following principles will be observed by the school staff in maintaining student control and discipline in the schools:

1. It is believed that most individuals modify behavior faster under praise than under blame. Therefore, the general approach to discipline will be a positive one. This will include attempting to identify the social, emotional, and academic problems that underlie a student's poor attitude or misconduct, and striving to meet his social, emotional, and academic needs.
2. Every individual needs to feel worthy and accepted as a person. In criticizing a student for his conduct or attitude and in taking disciplinary action, teachers and other staff members will endeavor to show him that it is his behavior that is objectionable, not the student himself.
3. The best discipline is self-discipline. Modes of student control over classroom management will offer student the freedom to acquire self-control and self-discipline. This freedom will be extended in keeping with the student's maturity.

Within the above guidelines regulating conduct and disciplinary action, the superintendent or designee will set up procedures for dealing with disciplinary problems. These policies will be printed in the student handbook or other publication and made available to students and parents.

The Board extends to all of its school employees, professional and nonprofessional, the authority to enforce policy and regulations governing student behavior. Students will comply with the directions given them by staff members.

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Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## PROHIBITION OF CORPORAL PUNISHMENT

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The use of corporal punishment, defined as any act of physical force upon a student for the purpose of punishing that student, is not acceptable in the Tea Area School District and will not be tolerated as a disciplinary measure.

Physical interventions that are reasonable and necessary for supervisory control over students may be used only as a last resort. Physical interventions shall not be used when less restrictive interventions can successfully maintain the safety of all persons involved in the incident. Physical intervention involves the use of safe and unharmed control and restraint of a student. Physical interventions may be appropriate in the following situations:

- For the purpose of self defense
- To protect other persons from physical injury
- To protect property of the school or of others
- To remove a student if the student has refused to comply with requests to refrain from disruptive behaviors.

Physical Interventions shall end as soon as the dangerous behavior ends or a medical condition places the student at risk of harm.

Staff members likely to use physical interventions shall be trained. The District may require the following staff members to receive training: administrators, behavior staff, self-contained classroom staff, counselors, and Special Education teachers and paraprofessionals. District personnel will maintain a log of trained District staff and each person's certification status.

In the event that physical force is used, the following reporting procedures will be followed:

- a. As soon as possible, under the circumstances, inform the appropriate school administrator of the use of physical force.
- b. Complete and submit the Incident Report Form to the appropriate administrator or designee on the same day the staff member(s) used physical force.
- c. b. A copy of the Incident Report Form must be made available to parent/guardian by the administrator or designee within 24 hours after receipt of the Incident Report. Additionally, an administrator or designee shall attempt to contact the parent/guardian during the same day of incident.

- d. The administration shall conduct a debriefing with all involved staff and parents and, if appropriate, the student;
    - i. Debrief utilizing the district's Incident Report.
    - ii. Evaluate the trigger for the incident and the staff response, and identify methods to address the student's behavioral needs;
    - iii. If this unsafe behavior is noted as a pattern that leads to the use of physical force, a Functional Behavior Assessment and/or a Behavior Intervention Plan must be completed or reviewed.
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**State References**

SDCL 13-32-2

Physical force authorized when necessary

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## RESTRAINT AND SECLUSION

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- I. Policy Rationale and Philosophy:** All reasonable efforts should be made to prevent the use of restraint and the use of seclusion. A non-aversive behavioral system should be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic, social, and behavioral outcomes for all students.

The District believes that the school environment should be one in which the care, safety, and welfare of all students and staff members are priorities. Efforts to promote positive interactions and solutions to potential conflict should be extensive. In the event that an individual's behavior presents a threat of imminent harm to self or others, the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

### II. Definitions:

- a. Non-Aversive Behavioral System:
- i. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic, social, and behavioral outcomes, and increase learning for all students, and
  - ii. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of unwanted behaviors, and teach appropriate behavior to students.
- b. Physical Restraint:
- i. Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, 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.
  - ii. Physical restraint may be used only when there is an immediate risk of physical harm to the student or others, no other safe and effective intervention is possible, and only in a manner that is age and developmentally appropriate.
  - iii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
    1. To break up a fight;
    2. To knock a weapon away from a student's possession;
    3. To calm or comfort;
    4. To assist a student in completing a task/response if the student does not resist the contact;

5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

c. Seclusion:

The involuntary confinement of a student alone in a room or area from which a student is physically prevented from leaving. It does not include a timeout.

d. Time Out:

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 or self-regulation.

### **III. Requirements for the use of Physical Restraint:**

Given an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible, if physical restraint is applied the staff member must;

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (nonphysical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained;
- e. continually observe the student in restraint for indications of physical or mental distress;
- f. contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;
- g. remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.
- h. ensure documentation of incident is reported to the building principal or designee as soon as possible under the circumstances.

### **IV. Prohibited Practices for Use of Restraints:**

Staff members are not to use any physical restraints for which they have not been trained by the district. Staff members are not to use any unauthorized physical restraints. This includes but is not limited to:

- a. Prone restraint;

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

**V. Requirement for Use of Seclusion:**

Given a threat of immediate risk of physical harm to the student or others, the following principles must always be applied:

- a. A room or area used for seclusion must:
  - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
  - ii. not be locked.
- b. Staff must:
  - i. implement in a manner that is age and developmentally appropriate;
  - ii. ensure safety of other students and protect the dignity and respect of the student involved;
  - iii. seclude the student for the least amount of time necessary;
  - iv. be appropriately-trained;
  - v. continually observe the student for the duration of the seclusion;
- c. If at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;

- d. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- e. upon each use of seclusion, the student shall be assessed for injury or distress and monitored as needed following the incident.

#### **VI. Prohibited for Use of Seclusion:**

- a. Use of seclusion in any environment that does not meet the above criteria.
- b. Deprivation of basic needs;
- c. Seclusion shall not be used;
  - i. As a form of discipline/punishment
  - ii. As a means to coerce, retaliate or in a manner that endangers a student;
  - iii. For the convenience of staff;
  - iv. As a substitute for an educational program;
  - v. As a substitute for less restrictive alternatives;
  - vii. As a substitute for positive behavior supports or other crisis prevention.

#### **VII. Reporting and De-Briefing Requirements after the use of Physical Restraint or Seclusion:**

- a. The staff member(s) using physical restraint or seclusion shall
  - i. As soon as possible, under the circumstances, inform the appropriate school administrator of the use of physical restraint or seclusion.
  - ii. Complete and submit the Incident Report Form to the appropriate administrator or designee on the same day the staff member(s) used physical restraint or seclusion.
- b. A copy of the Incident Report Form must be made available to parent/guardian by the administrator or designee within 24 hours after receipt of the Incident Report. Additionally, an administrator or designee shall attempt to contact the parent/guardian during the same day of incident.
- c. The administration shall conduct a debriefing with all involved staff and parents and, if appropriate, the student;
  - i. Debrief utilizing the district's Incident Report.
  - ii. Evaluate the trigger for the incident and the staff response, and identify methods to address the student's behavioral needs;
  - iii. If this unsafe behavior is noted as a pattern that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment and/or a Behavior Intervention Plan must be completed or reviewed.

#### **VIII. Training and professional development:**

- a. The district will ensure that a crisis team in each building is trained in crisis management and de-escalation techniques.

- b. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
- c. All Crisis Teams will be trained on this policy.

**IX. District Monitoring:**

- a. The School Board adopts and reviews this policy. The Superintendent shall monitor the implementation of this policy.
- b. This policy shall be accessible on the district's website.

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Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

**STUDENT SUSPENSION/EXPULSION**

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Serious breaches of standards of behavior may result in suspensions or expulsions from school. A principal is authorized to suspend students for not more than ten school days and a Superintendent is authorized to suspend students for not more than 90 days. By law, the Board has the authority to suspend or expel beyond 10 days of school. The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer or alcoholic beverages may not extend beyond ninety school days.

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

A suspension may be imposed when a student's behavior creates a threat to his or her own or other's safety or imposes a threat to property or premises or creates a serious disruption of the school environment. Behaviors that may include but are not limited to: fighting or committing an assault on another, stealing, vandalism, possessing weapons, explosives or other prohibited materials, making a false alarm or terrorist threat, lewd or threatening behavior or language, possession of drugs/drug paraphernalia, alcohol, or other illegal substances on the school premises or at school activities may result in suspensions.

Students who are guilty of continued serious misconduct which results in repeated suspension and who therefore interfere with the opportunity of other students to carry on their learning activities may be recommended to the Board for expulsion from school.

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

\* In case of a suspension by the superintendent for more than ten school days, the pupil or his or her parents or others having his or her custodial care may appeal the decision of the superintendent to the board of education.

\*\*Additional procedures mandated by state and federal law apply to special education students attending schools under the terms of an I.E.P. (Individual Educational Program).

ARSD 24:05:26	Suspension
ARSD 24:05:26.01	Expulsion
ARSD 24:07	Student due process
SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension
SDCL 13-32-5	Injury to school property as grounds
SDCL 13-32-7	Possession of firearms on premises
SDCL 13-32-9	Suspension from extracurricular activities
SDCL 13-32-9.1	Consequences imposed by local school districts
SDCL 13-32-9.2	Reduced suspensions – Commencement of suspension
SDCL 22-11-9.2	Falsely report a threat
SDCL 22-14A-24	Use of substance or device to communicate felonious threat
SDCL 22-14A-25	Use of hoax substance or device to cause fear
SDCL 22-42	Controlled substances and marijuana

**Federal References**

Public Law 103-382

Improving America's Schools Act of 1994

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## SUSPENSION FROM EXTRA-CURRICULAR ACTIVITIES

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### Suspension from Extra-Curricular Activities

If a student is adjudicated, convicted, the subject of an informal adjustment or court-approved diversion program, or the subject of a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana, or for ingesting, inhaling, or otherwise taking into the body any substance as prohibited by statute, the student shall be suspended as follows:

**First offense:** The student shall be suspended one year which shall be reduced to thirty calendar days if the student participates in an assessment with a certified licensed addiction counselor. If a suspension for a first offense is reduced to 30 calendar days, the student is ineligible for a minimum of two South Dakota High School Activities Association sanctioned events. If two sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until two sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

**Second offense:** The student shall be suspended one year. The one year suspension for a second offense shall be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If a suspension is reduced pursuant to § 13-32-9, a suspension for a second offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If six sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

A suspension begins on:

1. The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or

2. The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association.

A suspension that is reduced pursuant to this policy is only in effect during the South Dakota High School Activities Association's activity year, which begins on the first day of its first sanctioned event and concludes on the last day of its last sanctioned event.

A reduced suspension that is not completed by the end of one activity year shall carry over to the next activity year.

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

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

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### State References

ARSD 24:05:26	Suspension
ARSD 24:05:26.01	Expulsion
ARSD 24:07	Student due process
SDCL 13-32-4	School board to assist in discipline
SDCL 13-32-4.2	Procedure for suspension
SDCL 13-32-5	Injury to school property as grounds
SDCL 13-32-7	Possession of firearms on premises
SDCL 13-32-9	Suspension from extracurricular activities
SDCL 13-32-9.1	Consequences imposed by local school districts
SDCL 13-32-9.2	Reduced suspensions – Commencement of suspension
SDCL 22-11-9.2	Falsely report a threat
SDCL 22-14A-24	Use of substance or device to communicate felonious threat
SDCL 22-14A-25	Use of hoax substance or device to cause fear
SDCL 22-42	Controlled substances and marijuana

| **Federal References**  
Public Law 103-382

Improving America's Schools Act of 1994

Original Adopted Date: May 2018  
Reviewed: April 2018  
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## STUDENT HEALTH SERVICES AND REQUIREMENTS

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The Board realizes its responsibility to help protect and improve the health of students. The Board, therefore, will employ a school nurse for the district schools.

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

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

### First Aid Supplies/Training

Every school should have first aid supplies, equipment and instructions located in a readily identifiable and accessible area. School first aid training should be made available as possible.

### Injury/Illness Procedure

If a student is injured or becomes ill at school, an effort should be made by the available personnel to contact the parent/guardian of the student for information and instructions. If a parent/guardian or designated persons cannot be contacted and/or the illness or injury is believed to require immediate medical attention, the person in charge should arrange for the student to be taken to a doctor or hospital for treatment. Action on the part of the District personnel does not obligate personnel or the school system to assume financial responsibility for the transportation or treatment of the student. Under no circumstances should the student be permitted to go home alone without parent/guardian permission.

### Accident Reports

All accidents to students should be reported to the principal or supervisor. Accident report forms should be completed by the person in charge when the accident occurs. Accident reports are to be sent to the building principal, who will then forward them onto the Health Service Supervisor who will follow up, as needed. A copy of the accident report will be retained in the building.

### Do Not Resuscitate (DNR) Orders

The School Board recognized that students with life-threatening health problems attend school. The Board recognizes the right of parents/guardians to make decisions regarding health care measures for their children. However, the school environment must be orderly, safe, and free from threats to the wellbeing of all students. ‘

Implementation of a Do Not Resuscitate order in the school setting shall be provided in writing by the physician ordering specific interventions that can and cannot be performed for the student and a written statement from both parents/guardians stating that they have discussed the possible interventions with the ordering physician and agree with the order.

The Supervisor of Health Services shall review the physician's orders and parental statement for clarification purposes. An individual health care plan shall be written and shared with the parents/guardians. Training and counseling of the school staff will be completed regarding the expectations. Do Not Resuscitate orders will become effective when all steps have been completed.

Do Not Resuscitate orders must be renewed annually.

### Physician Prescribed Services

Services such as medication and tube feedings will be provided at school when the administration has determined that it is a necessary and appropriate service for the School District to provide. The following rules shall apply:

1. Medical diagnosis and treatment of illness are not the responsibility of the District and shall not be practiced by school personnel.
2. School personnel shall not provide any medication to students other than to administer as outlined in Section 5 below.
3. "Over the counter medications" must be in an original container shall not be supervised or kept in the office unless directed by the physician.
4. Medications shall be stored in a locked location provided for medication storage.
5. Students requiring medications at school shall be identified by the parent/guardian to authorized school personnel.
  - a. A completed "Request and Authorization for Medication" form shall be submitted to the school office.
  - b. Medication shall be brought to school by the parent/guardian in a bottle, labeled by the pharmacy, including the student's name, medication name, physician and dosage of the drug to be taken.
  - c. The medication shall be supervised and recorded immediately after being administered by trained school personnel as delegated and supervised by the school nurse.
  - d. In specific situations students may be responsible for their own medication and self-administration. Parents/guardians shall send only the medication needed for the day with the student in the medication's original container and sign the Request and Authorization for Medication form.

6. The need for other physician prescribed services shall be reported to the principal and school nurse.
7. Recording forms for physician prescribed services will be retained at the school in a working file for a year and then destroyed.

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

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**State References**

ARSD 20:48:04.01:09

Registration required for delegated medication administration

SDCL 13-33A

School health services

SDCL 13-33A-6

Administration of epinephrine auto-injector

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## PHYSICAL EXAMINATIONS OF STUDENT/ INOCULATIONS OF STUDENTS

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

Any child entering school or an early childhood program in the District, shall, prior to admission, be required to present to the appropriate school authorities 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, according to recommendations provided by the Department of Health. The Department of Health may modify or delete any of the required immunizations. As an alternative to the requirement for a physician's certification, the child may present:

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

Any child entering an early childhood program, kindergarten, sixth grade, and any student transferring into the District, shall present such certification as required by the S.D. Department of Health regulations unless a medical or religious exemption authorized by Department of Health regulations applies.

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

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

Pursuant to state law, the school board or superintendent may, with the concurrence of the county health officer, exclude from school attendance a student who is determined to be a risk or nuisance to the health of other students or school employees due to the presence of infectious disease or communicable parasite. A student may be readmitted when the school board or school superintendent, with the concurrence of the county health officer, determines that the state of communicability or infectiousness no longer exists.

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**State References**

ARSD 44:81

SDCL 13-28-7.1

SDCL 13-28-7.2

SDCL 13-28-7.3

Immunization requirements for school entry

Tests and immunizations for communicable diseases

Immunizations provided at public expense

Exclusion of student for risk of infectious disease

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## STUDENT COMMUNICABLE DISEASES

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

The board recognizes the need and right of all children to receive free and appropriate education. The board further recognizes its responsibility to provide a healthy environment for all students and school employees.

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

In situations where the decision requires additional expertise and knowledge, the building administrator will refer the case to an advisory committee for assistance in the decision making.

### ADVISORY COMMITTEE

1. The advisory committee may be composed of:
2. a representative from the State Health Department;
3. the student's physician;
4. the student's parents or guardian(s);
5. the school principal or designee;
6. the school health service's supervisor;
7. the superintendent or designee; and
8. primary teacher(s).

In making the determination, the advisory committee shall consider:

1. the behavior, developmental level, and medical condition of the student;
2. the expected type(s) of interaction with others in the school setting;
3. the impact on both the infected student and others in that setting;
4. the South Dakota Department of Health guidelines and policies; and
5. the recommendation of the County Health Officer, which may be controlling.

The advisory committee may officially request assistance from the State Department of Health, Center for Disease Control, or other experts.

If it is determined that the student will not be permitted to attend classes and/or participate in school activities, additional medical information may be needed before the student may return to school. If an infected student is not permitted to attend classes for ten consecutive school days, arrangements will be made to provide an alternate educational program. If that requires personal contact between student and school employees, only trained volunteer employees shall be utilized.

## CONFIDENTIALITY

Public information will not be revealed about the student who may be infected. If the student is permitted to remain in the school setting, information will be provided, as appropriate, to school employees who have regular contact with the student as to the student's medical condition and other factors needed for consideration in carrying out job responsibilities.

## HEALTH GUIDELINES

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

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### **State References**

SDCL 13-28-7.3

Exclusion of student for risk of infectious disease

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## ADMINISTERING MEDICINES TO STUDENTS

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Students will not be permitted to take medication while at school unless such medicine is given them by the school district nurse, or other staff who have successfully completed training for medication administration, acting under specific written request of the parent or guardian and under the written instructions of the student's physician.

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

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

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

All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in a pharmacy labeled container. The label must specify the student's name, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container. It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

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### State References

ARSD 20:48:04.01:09

Registration required for delegated medication administration

SDCL 13-32-10	Definition of terms regarding self-administration of medication
SDCL 13-32-11	Student self-administration of prescription asthma and anaphylaxis medication
SDCL 13-32-12	Disciplinary action regarding self-administration of medication
SDCL 13-32-13	Applicability of provisions regarding self-administration of medication
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

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**STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION**

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

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

1. the prescription medication has been prescribed by a physician or other licensed health care provider for that student as indicated by the prescription label on the medication;
2. the self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
3. the parent/guardian of the student provides to the school, on a form provided by the school:
  - a. written authorization, signed by the parent/guardian, for the student to self-administer prescription medication while on school property or at a school-related event or activity;
  - b. a written statement, signed by the parent/guardian, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;
  - c. a written statement from the student's physician or other licensed health care provider, signed by the physician or provider and which shall be kept on file in the office of the school nurse, that states:
    - i. the student has asthma or anaphylaxis or both, and is capable of self-administering the prescription medication;
    - ii. the name and purpose of the medication;
    - iii. the prescribed dosage for the medication;
    - iv. the times at which or circumstances under which the medication may be administered; and
    - v. the period for which the medication is prescribed.
4. If any student uses the medication in a manner other than prescribed, the student may be subject to disciplinary action by the school; however, the disciplinary action may not limit or restrict the student's immediate access to the medication.
5. The parent/guardian (or student, if 18 years old or older), authorizes the school nurse to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.

6. The parent/guardian gives permission for the student to have the prescription medication with the student while on school property or at a school-related activity or event.
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**State References**

SDCL 13-32-10	Definition of terms regarding self-administration of medication
SDCL 13-32-11	Student self-administration of prescription asthma and anaphylaxis medication
SDCL 13-32-12	Disciplinary action regarding self-administration of medication
SDCL 13-32-13	Applicability of provisions regarding self-administration of medication
SDCL 13-33A	School health services
SDCL 13-33A-6	Administration of epinephrine auto-injector

Original Adopted Date: May 2018

Reviewed: April 2018

Revised: May 2018

## EPINEPHRINE AUTO-INJECTORS

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

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

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

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

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

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**State References**

ARSD 20:48:04.01:09

SDCL 13-33A

SDCL 13-33A-6

Registration required for delegated medication administration

School health services

Administration of epinephrine auto-injector

Original Adopted Date: May 2018

Reviewed: April 2018

Revised: May 2018

## DIABETES HEALTH CARE AND INSULIN ADMINISTRATION

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The purpose of this policy is to establish procedures in the District for the administration of health care services for each student with diabetes as prescribed by that student's personal physician. The goal of this care is to maintain blood glucose levels within a student's target range and to enable a student with diabetes to safely and fully participate in the educational program.

Policy JHCD: Administration of Medications to Students, shall also apply to the administration of health care services for students with diabetes to the extent Policy JHCD is consistent with and not contradictory to this policy.

### CARE TO BE PROVIDED

- A. Diabetes care may be provided by a school nurse, if available.
- B. If a student becomes unconscious or unresponsive due to severe hypoglycemia, school employees shall take actions as specified in the student's medical plan and contact 911. No student experiencing hypoglycemia shall be left unattended or shall be sent alone to another location to receive care.
- C. All school employees who have primary responsibility for a student with diabetes at any time during the school day or during school-sponsored activities may receive training. The training will include basic information about diabetes and its management, how to recognize symptoms of hypoglycemia and hyperglycemia, and which school employees should be contacted for assistance in providing diabetes care.
- D. Notwithstanding the other provisions in this section, a parent or guardian may elect to perform diabetes care for his or her child at school or during school-sponsored activities. The election should be made in writing and shall specify the circumstances under which the parent or guardian will provide care and the circumstances, if any, under which school personnel will provide care.

### DIABETES MEDICAL MANAGEMENT PLAN (DMMP) – Individual Health Plan

- A. The parent of a student with diabetes who requests services from the school must provide written physician's orders (Diabetes Medical Management Plan, or "DMMP"), signed by the student's physician. The DMMP identifies the health care needs of, and services to be provided to, a student with diabetes. If the DMMP changes, the parents/guardians shall provide a copy of the changed DMMP, signed by the student's physician, to the principal or principal's designee. The parents/guardians shall authorize the principal or the principal's designee authorization to speak directly with the student's physician related to the DMMP.

- B. Once the school receives a copy of the DMMP, the school shall develop and implement a Student Health Plan (SHP) for the student with diabetes that incorporates the provisions of the DMMP. The plan shall specify which school personnel will provide diabetes care to the student, if needed. The school may use an individualized Student Health Plan, or include the DMMP in a student's Rehabilitation Act Section 504 Plan (504 Plan), or include the DMMP in a student's Individualized Education Program (IEP).
- C. All supplies and equipment needed by the school to provide diabetes care, including insulin, glucagon, blood glucose meters, and test strips, shall be provided by the student's parent or guardian.
- D. The school may consult with a physician of its own choosing related to any DMMP.

### SELF-MONITORING AND TREATMENT

Where a student's DMMP indicates that the student is able to perform specific diabetes care tasks independently, the student shall be permitted to perform these tasks independently while in school and while participating in school-sponsored activities. If specified in the student's DMMP, the student shall be permitted to possess on his or her person all supplies and equipment needed to perform diabetes care.

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#### **State References**

ARSD 20:48:04.01  
SDCL 13-33A-1

Delegation of nursing tasks  
School health services – Coordination by registered nurse

Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

**STUDENT PSYCHOLOGICAL SERVICES**

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

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**State References**

SDCL 13-32-3

Reference for psychiatric treatment prohibited without parents' consent

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## STUDENT WELFARE CRISIS INTERVENTION

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

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

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

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

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Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

## SUPERVISION OF STUDENTS

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

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

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

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

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

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

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### State References

SDCL 13-32-1

Disciplinary authority over students on school premises

SDCL 22-42-19

Drug free zones created

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**STUDENT SAFETY PATROL**

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

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

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**State References**

SDCL 13-32-8

School safety patrols

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## REPORTING CHILD ABUSE

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The term, abused or neglected child, means a child:

1. Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
2. Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;
3. Whose environment is injurious to the child's welfare;
4. Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being;
5. Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;
6. Who is threatened with substantial harm;
7. Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture;
8. Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care;
9. Who was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner; or
10. Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.

Any teacher or other school employee, who suspects that a child under 18 years of age has been neglected or abused by a parent or other person, will report orally or in writing this information to the building Principal or Superintendent. The Principal or Superintendent shall immediately report this information to the state's attorney, the department of social services, or to local law enforcement. The teacher or other school employee who witnessed the disclosure or evidence of the abuse or neglect must be available to answer questions when the initial report is made. If the Principal or

Superintendent does not confirm to the teacher or other employee within 24 hours that the report has been submitted, the employee will report the information directly to the state's attorney, the department of social services, or to local law enforcement.

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

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

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

Information or records concerning reports of suspected abuse or neglect are confidential. The release to persons other than those provided by law is a class one misdemeanor. Failure to make a report of abuse or neglect is a class one misdemeanor.

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### **State References**

SDCL 22-6-2

SDCL 26-8A (§§3 & 6-15)

Misdemeanor classes and penalties

Protection of children from abuse or neglect

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

## STUDENT GIFTS AND SOLICITATIONS

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### Solicitations

The solicitation of donations and contributions from students will be restricted to fundraising drives approved by the Superintendent or designee..

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

### Gifts

Staff members may accept simple remembrances expressive of gratitude from students and their parents/guardians. However, employees may not accept any gift or favor that might impair or appear to influence professional decisions or actions.

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

**INSTRUCTION/PROGRAMS FOR HOMELESS STUDENTS**

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The School Board shall make reasonable efforts to identify homeless children within the Tea Area School District, encourage their enrollment, and eliminate barriers to their education which may exist in District policies or practices, in compliance with all applicable federal and state laws.

Homeless students, as defined by federal and state statutes, residing within the District or residing in temporary shelters in the District, are entitled to free school privileges. No child or youth in the public schools shall be discriminated against or stigmatized because of homelessness.

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Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## **INSTRUCTION/PROGRAMS FOR HOMELESS STUDENTS - REGULATIONS**

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### **School of Origin**

It is the School District's responsibility to provide continued education services for homeless students. Such services for the child may be:

- continuation in the school of origin that the student attended when permanently housed or the school of last enrollment; or
- provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

The District considers the best interest of the homeless student, with parental involvement, in determining placement.

### **Enrollment**

The school shall immediately enroll the homeless student even if he or she is unable to produce records normally required for enrollment, including academic records, immunization records, proof of residency or other documentation. The District shall make a reasonable effort to locate immunization records from information available. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provision of the School Board's policy on immunizations. The District may require a parent or guardian of a homeless student to submit contact information.

### **Transportation**

Transportation services will be comparable to those provided other students in the selected schools. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.

### **Elimination of Segregated Services**

Homeless students shall be provided services comparable to services offered to other students in the District including, but not limited to, transportation services; educational services for which the student meets the eligibility criteria, such as education programs for disadvantaged students, students with disabilities and gifted students; vocational programs and technical education; school nutrition programs; preschool programs; before and after school care programs; and programs for students with limited English proficiency. Homeless students will not be segregated in a separate school or in a separate program within a school based on the students' status as homeless.

### **Elimination of Identified Barriers**

The District administration shall attempt to remove existing barriers to school attendance. Enrollment requirements or fees and charges that may constitute a barrier to the enrollment or education of a homeless child or youth may be waived at the discretion of the Superintendent. In the event a fee or charge are a barrier, parents/guardians of homeless children should contact the Student Support Services Department to report the barrier. The Student Support Services Department will communicate with the Superintendent for removal of the fee or charge.

### **Resolution of Disputes Regarding Homeless Education**

Disputes regarding enrollment of or services for homeless students shall be referred in writing to the Interim Assistant Superintendent of HR and Student Support Services. Parents/guardians or other adult or an unaccompanied youth can provide written or oral documentation to support their position. Students shall be provided with all services for which they are eligible while disputes are being resolved. The Assistant Superintendent will provide a written statement of his/her decision within 10 student days of receiving the written dispute and any accompanying documentation.

If a dispute is not resolved at the Assistant Superintendent level, the individual may file a written appeal with the Superintendent in accordance with Policy KE within 10 student days of receipt of the written decision of the Assistant Superintendent. If a dispute is not resolved at the District level, it may be forwarded by the individual to the South Dakota Department of Education for review.

When inter-district disputes arise, the individual, all involved districts and the South Dakota Department of Education shall be present to resolve the dispute.

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### **Federal References**

McKinney-Vento Homeless Education Assistance Improvement Acts of 2001  
42 USC § 11431 et seq.

Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

## STUDENT FEES, FINES, AND CHARGES

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

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

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

Certain other items or equipment required of students for personal use may be purchased by the school system and rented to the student. When these are no longer needed by the student, they will be returned to the school.

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

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### State References

SDCL 13-34-23

Loan of textbooks

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**LOANING OF TEXTBOOKS**

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

Textbooks loaned shall be the same textbooks normally used by the students enrolled in the Tea Area Schools.

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

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**State References**

SDCL 13-34-23

Loan of textbooks

SDCL 13-34-24

Persons enrolled in other than local school district excepted

Original Adopted Date: July 2003

Reviewed: April 2018

Revised: May 2018

**DELINQUENT STUDENT FEES, FINES AND CHARGES**

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To insure the payment of bills, the business manager shall send a letter to the parents/guardians notifying them that their student(s) owes one or more fees, fines, or other charges and the reason the money is owed to the school district. The letter shall inform the parents/guardians the procedures will ensue.

The business manager may file a Small Claims Court complaint if the account is not paid in full within sixty (60) days of the letter being mailed to the parents/guardians.

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**State References**

SD Unified Judicial System  
SDCL 15-39

Small Claims  
Small Claims Procedure

Original Adopted Date: May 2018  
Reviewed: April 2018  
Revised: May 2018

## STUDENT RECORDS

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

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

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

Student educational records do not include:

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

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

requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

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

The District shall not collect information which is not necessary for the determination of student academic progress, state and federal reporting requirements, or other duties prescribed to a school district, or for the calculation of funding for public education.

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### **State References**

ARSD 24:43:09:02  
SDCL 13-3-51  
SDCL 13-3-51.1

Student records  
Data reporting and record systems  
Definitions regarding privacy of records

SDCL 13-3-51.2	Information not subject to survey, analysis, or evaluation without consent
SDCL 13-3-51.3	Prohibition against reporting personally identifiable information
SDCL 13-3-51.4	Department to develop security measures to protect personally identifiable information
SDCL 13-3-51.5	Disclosure of aggregate data otherwise allowed
SDCL 13-3-51.6	Disclosure of aggregate data necessary for impact aid

**Federal References**

CFR Title 34 Part 99	Family Educational Rights and Privacy Act (FERPA)
USD Title 20 §1232g	Family Educational Rights and Privacy Act (FERPA)

Original Adopted Date: July 2003  
Reviewed: April 2018  
Revised: May 2018

## STUDENT DIRECTORY INFORMATION

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

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

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

The District has designated the following information as directory information:

1. Student's name;
2. Address;
3. Telephone listing;
4. Name(s) of Parent(s)
5. Photograph;
6. Date and place of birth;
7. Dates of attendance;
8. Grade level;
9. Participation (including video) in officially recognized activities and sports;
10. Weight and height of members of athletic teams;
11. Degrees, honors, and awards received;
12. The most recent educational agency or institution attended.

The District shall provide, by November first of each year, a list of students by name in grades seven to twelve, inclusive, together with their mailing addresses, to the executive director of the Board of Regents and to each postsecondary technical institute located in

the state unless the parent has directed that the District not release directory information about the student.

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

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

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

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### **State References**

SDCL 13-28-50

School districts to provide student mailing lists to BOR and Technical Institutes

### **Federal Reference**

CRF Title 34 Part 99

Public Law 103-382

USC Title 10 §503

Family Educational Rights and Privacy Act (FERPA)

Improving America's Schools Act of 1994

Enlistments: Recruiting campaigns; compilation of directory information

USC Title 20 §1232g

USC Title 20 §7908

Family Educational Rights and Privacy Act (FERPA)

Armed forces recruiter access to students information

Original Adopted Date: May 2018

Reviewed: April 2018

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**STUDENT SURVEYS**

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

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

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

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

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

*By state law, the Secretary of the Department of Education may add to the list of survey topics that require consent prior to a student participating in the survey, and should the*

*Secretary of Education add to the list identified in this policy then this policy shall also apply to such topic(s).*

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**State References**

SDCL 13-3-51.1	Definitions regarding privacy of records
SDCL 13-3-51.2	Information not subject to survey, analysis, or evaluation without consent
SDCL 13-3-51.3	Prohibition against reporting personally identifiable information
SDCL 13-3-51.4	Department to develop security measures to protect personally identifiable information
SDCL 13-3-51.5	Disclosure of aggregate data otherwise allowed
SDCL 13-3-51.6	Disclosure of aggregate data necessary for impact aid

**Federal Reference**

US Title 20 §1232h	Protection of Pupil Rights Amendment (PPRA)
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