

**CLASSIFIED  
EMPLOYEE  
HANDBOOK**

**2016-2017**



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## **STATEMENT BY THE SUPERINTENDENT OF SCHOOLS**

The purpose of the Employee Handbook is to provide the ***classified employees*** of the Tea Area School District 41-5 with information relevant to employment. The handbook provides a variety of information for ***classified employees*** ranging from policies and procedures, rules and regulations, to salary and salary-related items.

It shall be the responsibility of the ***classified employee*** to be familiar with the contents of the handbook and to adhere to the rules and regulations described herein.

**Jennifer Lowery  
Superintendent of Schools  
Tea Area School District 41-5**

## **SUPPORT SERVICES GOALS**

Support services are essential to the successful function of a school system. Management of auxiliary operations is therefore an important responsibility of the district administration. It should be remembered, however, that education is the district's central function; all support services will be provided, guided and evaluated by this requirement.

In order to provide support services that are truly supportive of the educational program, the Board establishes these broad goals:

1. To provide a physical environment for teaching and learning that is safe for students, staff and public.
2. To provide safe transportation for students to and from school and nutritious meals for students.
3. To provide support services, resources and assistance to fulfill the needs and promote the goals of the educational program.

## Tea Area School District 41-5 Non-Discrimination Policy Statement

Applicants for admission and employment, students, parents, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Tea Area School District 41-5 are hereby notified that this school does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the schools compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA) or Section 504 is directed to contact the following persons designated by the school to coordinate efforts to comply with the regulations regarding nondiscrimination:

Title VI, Title IX..... Jennifer Lowery, Superintendent  
Section 504..... Betsy Drew, Elementary Principal  
ADA..... Jody Taylor, Spec. Ed. Director

Tea Area School District 41-5  
PO Box 488  
Tea, SD 57064  
605-498-2700

Or you may contact:

Regional Director  
Office for Civil Rights  
U.S. Department of Education  
8930 Ward Parkway, Suite 2037  
Kansas City, MO 64114-3002  
Telephone: 816-268-0550  
Fax: 816-823-1404  
TDD: 877-521-2172  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

Individuals with disabilities who require assistance or special arrangements to participate in a program or activity sponsored by the Tea Area School District, please contact the superintendent, principal, or director. We request that you provide 48-hours notice so that proper arrangements may be made.

**Classified Employees Responsibilities  
within the Policies of the Tea Area Board of Education**

***Advertising***

Agents are not allowed to solicit or otherwise interfere with employees in or about the school buildings at any time. Agents wishing to speak to an employee or discuss a product are to check with the District Business Office for clearance or actual purchasing approval.

***Reporting Child Abuse***

Please see Addendum II.

***Family Night***

Wednesday night is designated family night and no school activities are scheduled after 6:15 p.m.

***Dangerous Weapons in School***

Schools should be an example of what is taught regarding the observance and respect of law. School must be highly conscious of the health and welfare of students, staff and the public.

Board policy forbids any person to bring dangerous and/or illegal weapons or look alikes to school or school sponsored activities. Dangerous weapons taken from students shall be reported to the building principal and the student's parents. Anyone possessing weapons will be treated as dangerous and reported to the police. Confiscation of weapons will be reported to the police. Appropriate disciplinary and/or legal action shall be pursued by the building principal or superintendent.

A dangerous and/or deadly weapon is defined as any firearm, 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 are permitted on any school premises, school vehicle or any vehicle used for school purposes, in any school 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 and supervised school training sessions for the use of firearms.

Legal Reference: SDCL 13-32-7; 22-1-2

***Security***

Reminder to all employees – be sure workstations are locked up when you leave. Remove all temptations and causes of theft. Keep your valuable belongings out of sight and your school keys safely out of reach. It is your responsibility to see that outside doors are locked upon leaving the building. Activity coaches are responsible for any and all security doors used during their practices. Security also means that coaches are not to leave practice areas unattended and are to be the last to leave. All outside access doors will be locked during the school day except those designated as entry doors.

**Conditions of Employment**

***Purpose***

The purpose of this classified handbook is to provide individuals, who are in a classified position, information they would need to carry out their assigned duties. This is not all inclusive, but contains the Board and Administration's expectations to assist classified personnel more effectively.

### ***Statement of Guiding Principles for Staff Personnel and Faculties***

In order to provide the best possible **education facilities and support services**, it is the goal of the Board of Education to recruit and retain the highest caliber of classified staff available. It is the policy of the Tea Area School District 41-5 not to discriminate on the basis of race, national origin, creed, age, marital status, or physical disability in its educational programs, activities, or employment policies as required by Title VI and BII of the 1974 Civil Rights Act, Title IX of the 1972 Educational Amendments, and the Federal Rehabilitation Act of 1973. The term "classified personnel" shall include classified staff, whether full-time or regular part-time.

### ***Recruitment and Selection of Classified Personnel***

Recruitment and selection of classified personnel shall be the responsibility of the administration. The superintendent shall have the authority to delegate recruitment and selection responsibilities to supervisors. Whenever possible, the preliminary screening of candidates shall be conducted by the supervisor(s) who will be directly in charge of the person being hired. Selection shall be based upon the merits of the candidates without regard to age, race, creed, color, sex, national origin, religion, or disability. Selection shall be based upon training, experience, and skill; demonstrated competence; suitability for the position; and the possession of, or the ability to obtain, a state license if one is required for the position.

### ***Criminal Background Check***

**All** new classified employees **must** have a criminal background check completed, which shall be paid by the district. Any adverse report which may appear regarding the employee which could affect the safety or well being of the students shall be grounds for possible dismissal or non-consideration for employment.

### ***General Items***

#### **A. Probationary Period**

All newly hired employees shall have a ninety (90) day probationary period. Within the first 90 days of employment, this probationary period may be extended at the discretion of the supervisor. Employees hired late in the year will have the probationary period carried over into the next work year.

#### **B. Workweek**

Full time shall be forty (40) hours in a week. Hours will vary by job assignment. Employees will be assigned duty hours by the appropriate supervisor. Any change in duty hours must be approved by the appropriate supervisor and the superintendent.

#### **C. Overtime**

An overtime rate of time and one-half (1-1/2) will be paid to the classified employee for work beyond forty (40) hours of work per week. All overtime must be approved in advance by the Administrator/Supervisor and Business Manager or Superintendent of Schools. If an employee works unauthorized overtime, the employee shall be notified, in writing, to cease the practice. If the unauthorized overtime continues, the employee may be terminated.

#### **D. Pay Differential Job Assignments/Night Differential**

1. A classified employee who is assigned the responsibilities of a position by their supervisor/principal which is delegated to another classified employee whose base hourly wage is more than their assigned wage classification as indicated in the Classified Employee Handbook, shall after 240 continuous hours be paid the differential between the (2) assignments. The differential pay shall begin on the 241<sup>st</sup> hour and shall not exceed 480 hours. The supervisor/principal shall keep an accounting of said hour and notify the business manager in writing. The superintendent must approve any extension beyond the 480 hours prior to actual need to continue position change.



2. Custodians working the evening shift will be paid a twenty-five cent (\$.25) per hour night differential for hours worked between 6 p.m. and 6 a.m.

#### E. Compensatory Time

Compensatory time, when used, has to be taken in the same week in which it was earned, with the approval of the immediate supervisor.

#### F. Breaks

1. Each full-time employee is entitled to two (2) paid breaks of fifteen (15) minutes each during their regular work day. Employees employed at less than full-time, but more than five (5) continuous hours per day, will have one (1) paid break fifteen (15) minutes during the regular workday. Breaks are to be scheduled through the immediate supervisor.
2. All employees working five and one-half (5-1/2) or more consecutive hours per day are expected to take, minimally, a half-hour unpaid lunch break near the midpoint of their daily shift, unless this is further qualified by the needs of the specific job, to adjust up or down by thirty (30) minutes and approved by the classified employee's immediate supervisor.

#### G. Time Clock

The purpose of the time clock is to insure an accurate record of all hours worked by the employee, and to make sure employees are paid properly. Employees are required to punch in and out using his/her own code only, according to his/her schedule. Under no circumstances are employees to punch using another employee's code. Neither shall employees allow anyone else to punch using his/her code.

Employees are not permitted to punch in or start work more than five (5) minutes before the scheduled time, nor are they permitted to punch out or quit working later than ten (10) minutes past the scheduled work time without authorization from their supervisor.

Employees must punch in and out for all lunch breaks.

Employees will be paid for all time worked per his/her schedule. All time worked beyond the schedule must be authorized and approved by his/her supervisor. Should an employee forget to punch in or out, it is the responsibility of the employee to inform the supervisor who will correct the error.

#### H. Pay Period

All staff members will be paid for time worked during their specified time period. The first pay period will be from the 1<sup>st</sup> day of the month through the 15<sup>th</sup> day of the month. These hours will be paid on the 30<sup>th</sup> of the same month. The second pay period will be from the 16<sup>th</sup> day of the month through the last day of the month and will be paid on the 15<sup>th</sup> day of the following month. In the event that payday falls on a weekend or holiday, payroll will be issued on the business office workday preceding the weekend or holiday.

#### I. Payroll Payment Options

All staff members will be paid for time worked during their specified time period. The first pay period will be from the 1<sup>st</sup> day of the month through the 15<sup>th</sup> day of the month. These hours will be paid on the 30<sup>th</sup> of the same month. The second pay period will be from the 16<sup>th</sup> day of the month through the last day of the month and will be paid on the 15<sup>th</sup> day of the following month.

The district reserves the right to pay all compensation by electronic funds transfer. Employees need to ensure that accurate information is timely provided to the district on personal bank account information. The district is not responsible if the employee fails to provide information in time for financial transactions or provides inaccurate information.

### **Tobacco Use on School Grounds**

Employees are not to use tobacco on school property or in school vehicles at any time.

### **Substance-Free Workplace**

The board expects the school district and its employees to remain substance free. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any drug, alcoholic beverage or other controlled substance in the workplace as defined by federal or state law. "Workplace" includes non-school property if the employee is at any school-sponsored, school approved or school related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace or outside of the workplace, the employee shall notify the employee's supervisor of the conviction within five (5) days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. Any employee who violates this policy shall be required to successfully participate in a substance abuse treatment program approved by the board if the superintendent chooses not to utilize discipline measures. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent shall be responsible for publication and dissemination of this policy to each employee. (See Tobacco Use-Health and Safety Addendum I)

### **Grievance Procedure**

In the event that a classified employee is concerned with an administrative/supervisor/board policy, decision or rule, said employee may register a complaint within fifteen (15) days of the decision or rule in the following manner:

1. Meet with the immediate supervisor and discuss the employee's concerns.
2. If not satisfied with the supervisor's resolution the employee will make a formal written complaint within ten (10) working days with the appropriate immediate supervisor.
3. The supervisor will provide the employee with a written response within ten (10) working days.
4. Appealing the immediate supervisor's written decision can be made to the superintendent of schools in writing within ten (10) working days.
5. The superintendent of schools will make a written decision within ten (10) working days and such decision shall be final.

No reprisals of any kind shall be taken by any party against any other participant in the grievance procedure by reason of such participation. All parties in interest may be represented at all steps of the grievance procedure by legal counsel.

### **Promotions, Vacancies, and Terminations**

#### **A. Transfers**

Due to the needs of the school district the administration may involuntarily transfer a classified employee. When opportunities for transfer and/or promotion become available the classified employee may apply for a transfer to another classified position. The district shall give due consideration to the merits of each employee presently employed. If and when applicants are judged to be equal, *administrative* determination will be the deciding factor. The District will not

be bound to promote from within the ranks, nor will the district be incumbent to show cause why a transfer/promotion from within was not followed.

### B. Promotion

When a promotion from within the district is made, the classified employee promoted shall be considered on probationary status for six (6) months in the new classification. However, if the classified employee assumes the responsibilities of the new position, and is not able to meet the expectations of the new position, an effort will be made to employ the person elsewhere in the school district.

### C. Termination

If a classified employee desires to terminate employment, he/she is expected to give the district a fifteen (15) calendar day notice. Intent to terminate employment shall be given in writing to the Superintendent of Schools.

### ***Classified Employee Retirement***

Classified employees who will complete their current work agreement with the board may apply for retirement. No classified employee will be required to retire at any specific age.

Application for retirement will be considered made when the classified employee states in writing to the superintendent their intent to retire. The letter must state the employee's desire to retire, the proposed date of the last day of employment and be witnessed by another but not their supervisor, principal, or the superintendent.

The classified employee may apply for early retirement between the ages of 55 to 65 if they meet the stipulations determined by the South Dakota Retirement System.

Board action to approve a classified employee's application for retirement or early retirement shall be final, and such action constitutes termination of the employee's services effective the day of the employee's requested retirement as approved by the board.

### ***Classified Staff Development***

A classified employee has an obligation to update the skills needed in his/her area of responsibility. This can be accomplished by reading literature, attending seminars, workshops, or meetings, at the expense of the district; it is also reasonable to expect that some of this in-service training be on the employee's own time. A classified employee can be expected to attend up to eight (8) hours of staff development in-service group meetings designed by his/her Administrator/Supervisor on the employee's own time during the course of the year. District meetings will not be scheduled for Saturdays or Sundays, unless a district emergency arises.

### ***Termination or Non-Renewal of Agreements***

The classified employee is hired as an at-will employee. The position may be terminated, for any reason upon notice provided by the superintendent or school board.

Said employees may appeal the nonrenewal or termination notice to the board of education. The board of education may, at its discretion, agree to hear the employee's version of the facts resulting in nonrenewal or termination. The decision of the board of education shall be final.

### ***Disciplinary Action Affecting Employees***

When it becomes necessary for administrative supervisory personnel to discipline the classified employee they supervise, the following disciplinary actions will be taken, however; one or more levels of discipline may be omitted, depending on the severity of the incident.

1. A verbal reprimand.
2. A written reprimand. Written, dated and signed reprimands will be placed in the employee's personnel file. An affected employee will be afforded the opportunity to write a response to the written reprimand to be placed in their personnel file. A copy of the written reprimand will be given to the employee. The employee must respond to the written reprimand within ten (10) days of receiving the reprimand.
3. Suspension from duty with pay for an indefinite period of time, at the discretion of the superintendent.
4. Suspension from duty without pay for a determined length of time, at the discretion of the superintendent.
5. Termination.

Employees facing possible disciplinary action shall be given an opportunity to present their version of the facts. The school board may discipline employees in the same manner listed above. This procedure does not limit the employee's right of appeal, either through school district policy or codified South Dakota law.

**Classified Staff Wages 2016-2017**

<b>Position</b>	<b>Base Hiring Rate / Hour</b>
Custodian Class I (cell phone required)	\$13.15
Custodial Class II (cell phone required)	\$14.70
Head Custodian (cell phone required)	\$16.80
Head Grounds Keeper (cell phone required)	\$15.00
Custodians Night Differential	\$0.25
Custodians CDL Differential	\$0.25
Administrative Assistant (12 month)	\$13.10
Administrative Assistant (10 month)	\$12.30
Administrative Assistant Substitute Calling Differential	\$0.30
Certified Paraprofessional	\$11.90
Certified Paraprofessional with Valid SD Teaching Certificate	\$12.90
Program Assistant	\$13.55
Program Assistant with Valid SD Teaching Certificate	\$14.60
Certified Sign Language Interpreter	\$18.90
Registered Nurse – Part-time	\$24.50
Library Aide	\$11.60
Library Aide with Valid SD Teaching Certificate	\$12.65
Food Service Site Manager	\$13.15
Food Service/Kitchen Help	\$11.25
Substitute Kitchen Help	\$10.85
TASK Program Assistant	\$12.88
TASK Lead Teacher	\$9.80
TASK Adult Aide	\$9.29
TASK Student Aide	\$8.78
Crossing Guard	\$15.00/shift

<b>Transportation Personnel</b>	<b>Base Hiring Rate</b>
Transportation Assistant	\$15.60/hour
Regular Daily Routes (cell phone required)	\$38.40/shift
Overnight Trips	\$75.00/night + Extra Curricular Pay for Actual Driving Hours
Extra Curricular Activity/Special Education	\$12.45/hour
Substitute Drivers: Per route	\$34.20/shift
New Hire Route Bus Driver Bonus (1 <sup>st</sup> year only)	\$250.00/semester
Referral Incentive – Staff member who refers a route or substitute bus driver that is hired and completes driving assignments	\$250 (Staff member paid \$125 at time of hire + \$125 after new hire has been driving for 3 months)

With superintendent approval, up to ten years of experience may be considered when hiring hard to fill positions. No one may be hired at a higher salary than an existing employee with similar experience.

## **Classified Staff Benefits**

All benefits provided for classified employees are predicated for full time employee status of an eight (8) hour day and forty (40) hour workweek.

### ***Health Insurance***

All employees who qualify for district employee benefit insurance programs are eligible to enroll. Continuation of enrollment is contingent upon remaining qualified **as stipulated by the insurance carrier**. Health insurance is available to employees under the prevailing district-endorsed group policies. Insurance benefits will begin on the first day of the month following the employee's start date (example: employee starts work on August 2<sup>nd</sup> – benefits will begin on September 1<sup>st</sup>.)

If they so elect, and are eligible for coverage, employees who work the equivalent of three-quarter time (thirty hours per week) or more shall receive health insurance benefits. The District shall provide, for each full time employee, the following benefit of the Board chosen policy by coverage selection:

- Single – 90% - not to exceed \$525
- Employee + Children – 60% not to exceed \$620
- Employee + Spouse – 60% not to exceed \$1025
- Family – 60% not to exceed \$1025
- 2 Employee Household – Employee + Spouse – 95% not to exceed \$1125
- 2 Employee Household – Family – 80% not to exceed \$1365

Employees have all rights as provided by state and federal regulations, regarding health and dental insurance.

### ***Annuities***

Tax sheltered annuities (TSA) or 403B plans will no longer be offered to any employee as of September 1, 2008. Current employees receiving the \$1200 stipend will continue to receive it unless their insurance election changes. The \$1200 will be split equally based on the number of pay periods elected by the employee and will be prorated for employees working less than full time.

### ***Dental Insurance***

Dental insurance is available to eligible classified employees who work a minimum regular assignment of thirty (30) hours or more per week. If they so elect, and are eligible for coverage, as stipulated by the insurance carrier, they shall receive full single dental insurance benefits prorated on the basis of a forty (40) hour workweek.

### ***Life Insurance***

Classified employees that work thirty (30) or more hours per week and meet the requirements of the insurance carrier are eligible for a supplemental life insurance benefit. Supplemental insurance is available, at the expense of the employee, at a premium to be determined by the insurance carrier.

Dependent coverage is also available, at the employee's expense, at a premium to be determined by the insurance carrier.

**Employees working at least three quarter time (30-or more hours per week) are provided a \$10,000 life insurance benefit.**

### ***South Dakota State Retirement***

All classified employees who work twenty (20) or more hours per week are required to participate in the state retirement plan. Classified employees become eligible for benefit payments upon retirement provided that the employee has reached the appropriate age determined by the South Dakota Retirement criteria.

### ***Social Security and Worker's Compensation***

These benefits are fixed by regulations and are available to each employee beginning with the first day of his/her employment. Any employee injured in the performance of his/her duties shall immediately report the injury, circumstances, and name of witnesses to the employee's supervisor and to the business manager. Any injury not reported within twenty-four (24) hours may not be eligible for compensation.

All accidents will be documented on the official accident report form to insure that the employee receives all benefits to which he/she is entitled to. Classified employees who are injured while working for the Tea Area School District and as a result, are entitled to worker's compensation, may draw benefits when reimbursable sick leave is exhausted. His/Her wages shall revert to the amount of the worker's compensation payment per the statute.

## **Classified Staff Leave Policies**

### ***Classified Sick Leave***

The school board reserves the right to cancel or revise any provisions of the schedule and has no legal obligation to retain this leave plan.

- New classified employees shall be granted sick leave of fifteen (15) days according to hours employee works and which will be prorated to length of time on the job for their first year of employment. All new employees, upon completing thirty (30) regular working days, shall be entitled to the regular sick leave and sick leave assistance program benefits.
- An eligible employee is defined as an employee who has worked twenty (20) or more hours per week and is employed by the district for a defined position and designated time period during the school term or the fiscal year. Bus drivers are entitled to sick leave benefits. Returning employees shall be granted an additional ten (10) days prorated to hours worked. All sick leave is computed in the business office and shall be credited to the employees account.
- Sick leave can accumulate to a maximum of fifty (50) days.
- At the completion of the school year, staff will receive compensation for each day accumulated over the fifty (50) day total. Compensation will be 25% of regular hourly rate for hours accumulated over the fifty (50) day total.
- Sick leave can only be used during the work year of the employee.
- An employee may use accumulated sick leave for care of an ill family members. "Family" shall be defined as parent, child, stepchild, spouse, brother, sister, mother/father-in-laws, grandchild, grandparent, and/or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- An employee's absence in excess of two (2) assigned work days will have the hours credited as sick leave only upon the presentation to the business office of a physician's written statement, if requested by the immediate supervisor, that the illness was of sufficient seriousness to prevent the employee from working.
- In those circumstances in which an employee has an unanticipated family emergency for which there is no other available leave, the employee may submit a request to the Superintendent for up to two days of unused sick leave for such emergency. In considering the request, the Superintendent shall consider factors including but not limited to the availability of other paid or unpaid leave, the severity of the emergency, whether the need

for leave was foreseeable, and the needs of the District; however, the approval of such request shall be in the sole discretion of the Superintendent.

Excessive short-term interruptions of illness may also require a physician's written statement. Unapproved sick leave shall be deducted from the employee's next regular payroll check and could result in termination. Deductions will be made from the employee's wage for additional hours of absence due to illness. The amount of the deduction will be determined by the employee's hourly wage.

Abuse or misuse of this provision by an employee could result in that employee losing all accumulated sick leave time accrued from previous years of employment or employment termination. The interpretation and application of the sick leave rules shall be vested in the superintendent of schools.

### ***Sick Leave Assistance Program***

1. A Sick Leave Assistance Program (Program) shall be established which contains days contributed by a classified employee of District #41-5. All employees working more than twenty (20) hours per week and who contribute to the Program are eligible to participate.
2. To be eligible to participate in the Program, participants must comply with the following additional requirements:
  - a. All new or first year employees (who have never contributed before) that are eligible to use the Sick Leave Assistance Bank must contribute one day in order to be eligible for the bank. All other employees must contribute one sick day per year into the bank as per 2e.
  - b. A participant must have used at least ten (10) days of paid and/or unpaid leave during the school year before receiving leave assistance.
  - c. A sick leave assistance contribution form will be filled out and returned to the business manager by September 10<sup>th</sup> of each year by each new employee (see 2a) or by all other staff when a contribution is necessary (see 2e below). Employees may voluntarily contribute one or more days to the bank on years that they otherwise would not be required to do so.
  - d. Employees in the system must contribute during the enrollment period which is the first 30 days of employment in each school year in order to be eligible to participate in the program.
  - e. If at the end of the school year the total number of contributed days in the bank falls below five hundred (500) days, the following school year will be a contribution year and any participant who wishes to remain eligible for the sick bank must contribute at least one day.
3. This bank is for the protection of individual participating employees during a serious health condition. The employee may use the sick bank for a family member defined as:
  - Spouse, and parents thereof;
  - Children, included adopted children, and spouses thereof;
  - Parents;
  - Brother and sister thereof;
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.The eligible employee may request days from the bank not to exceed forty (40) days in one school year. Unused days granted under the sick leave assistance program in a given year shall revert back to the Program.
4. After exhausting available leave under the Parental Leave Policy, sick leave assistance may be used for maternity leave resulting from complications of pregnancy (i.e. caesarian section) if a doctor certifies the staff member is to remain off work due to a serious health condition.



5. The application for sick leave assistance will be submitted to the business office, which will review the application to ensure that it meets the criteria for the Sick Leave Assistance Bank. If the application is deemed to not meet the criteria, the Superintendent will notify the applicant and the sick leave assistance committee as to the reason(s) that the application was not accepted or is incomplete. If an application is not accepted or is incomplete, the individual may resubmit a request for consideration within thirty (30) days if pertinent additional information is provided for administration to consider. An eligible application will be forwarded to the sick leave assistance committee. The sick leave assistance committee shall be composed of four (4) classified employees who volunteer to serve on the committee from the ranks of the classified employees and the business manager. The committee shall review applications for sick leave assistance. The Committee must have a written statement from the applicant's doctor stating the medical need and the date the employee may return to work. The committee shall meet to consider the requested leave and inform all appropriate parties of its decision in writing.
6. The application should be prepared in triplicate – one copy for the building administrator, one copy for the individual requesting sick leave assistance and one copy to the business office.
7. The maximum number of days to be used from the assistance program by all members shall not exceed a total of 200 days per year. Distribution of days shall be determined by the timeliness of the application, by who applies first as determined by the Committee and the receipt of the application by the business manager.
8. The term *serious health condition* has the same meaning as used in the Family and Medical Leave Act of 1993 (FMLA) except in #4 above (complications of pregnancy). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, or Alzheimer's Disease. The term *serious health condition* is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, influenza, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. For example, for most individuals who contracted H1N1, this influenza did not rise to the level of a serious health condition. The agency may require medical certification of a serious health condition. The minimum number of days that may be granted is three (3).

(Sample)

I, \_\_\_\_\_ (Classified Staff Member) would like to contribute \_\_\_\_\_ days toward Sick Leave Assistance Program.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Unused Sick Leave Payment**

Employees shall be granted a \$75 bonus if none of their available sick leave is used by the end of the school year. The one (1) day contributed to the sick leave assistance program shall not be counted as a sick day used for the purpose of payment under this section.

A voucher for payment must be submitted to the business office prior to June 5<sup>th</sup> for payment in the June extra duty payroll. Requests for unused sick leave payments submitted later than June 30<sup>th</sup> will not be honored.

## **Federal Family Medical Leave Act**

The Tea Area School District #41-5 shall abide by and comply with all applicable provisions of the Federal Family Medical Leave Act and amendments thereto and provide said benefits to the certified staff. The district administrative offices shall maintain and distribute, upon written request, the current regulations as instituted by federal statute(s).

## **Parental Leave**

Parental leave shall be available to employees before and after adoption or childbirth for up to six (6) weeks. Parental leave shall be taken from available accrued sick leave. If possible, the employee should notify the principal at least two (2) weeks in advance of parental leave absence. If more than six (6) weeks leave is medically necessary, a physician's certificate shall be forwarded to the Superintendent for extension of sick benefits according to the recommendation of the physician. If the leave occurs within a contract year, the employee's assignment shall be retained. The district will authorize additional unpaid leave in accordance with the district approved FMLA policy.

## **Holidays**

Each twelve (12) month administrative assistant or custodian shall be granted the following paid holidays each year:

Labor Day, Thanksgiving Break, Christmas Eve, Christmas Day, New Year's Day, President's Day, Easter Break, Memorial Day and Independence Day. If any of the holidays should fall on Sunday the following Monday shall be considered the holiday; if any of the holidays should fall on a Saturday the preceding Friday shall be considered the holiday. If it is not in the District's best interest to follow this schedule, the employee shall be provided time off equivalent to their work schedule within the next ten (10) working days.

## **Vacations**

Twelve (12) month classified employees scheduled and working at least 20 hours each week in a defined position and designated time period shall earn vacation leave according to the following schedule. Vacation hours are based on full time employment (40 hours per week) and will be prorated to actual number of scheduled hours if employee is less than full time.

<b><u>Consecutive Years of service</u></b>	<b><u>Vacation leave earned</u></b>
1-5	80 hours
6-16	120 hours
17+	160 hours

- Vacation leave may not be taken during the sixty (60) day probation period.
- To compute years of service, employee will be credited for service during the school year in which their start date occurred.
- Vacation may only be taken after it is earned and is computed on a monthly basis.
- First year employees with less than a full year of full-time service as of June 30<sup>th</sup> shall have their vacation time prorated accordingly.
- The specific date of vacation shall be cooperatively worked out between the employee and his/her supervisor/administrator. The specific dates when vacation is desired shall be requested in writing to the supervisor/administrator no less than ten (10) days prior to the beginning vacation date.

The supervisor/administrator will strive to honor the wishes of the employee based on the following criteria: Needs of the district as determined by the supervisor/administrator, date the request was submitted to the supervisor/administrator and the number of requests submitted over that time period. Earned vacation may be taken during the thirteen (13) month period of

July 1 to July 31. Vacation hours may not be carried over the thirteen (13) month employment status.

### ***Bereavement Leave***

1. Five (5) days shall be allowed, per occurrence, in the employee's family to be defined as a parent, child, wife, husband, brother, sister, parent-in-law, brother-in-law, sister-in-law, grandchild, grandparent, and/or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. Leave for a maximum of three (3) days per work year shall be allowed to attend the funeral of other persons close to the employee.

### ***Civic Leave***

A classified employee may receive leave and may be excused at the discretion of the superintendent to discharge civic responsibilities in which the employee has achieved leadership. Not over sixteen (16) hours, prorated for part time employees, shall be granted to any employee for this purpose in any work year, however, the total number of hours shall not exceed eighty (80) hours for all classified employees.

### ***Unpaid Leave***

An employee may receive additional hours of leave, up to twenty-four (24) hours for full-time employees, and prorated for part-time employees, as "leave without pay", under the following provisions:

- A written request stating reasons for leave is submitted to the immediate supervisor for approval by the superintendent.
- In the event of an emergency the employee must notify his/her supervisor and complete the leave form upon their return to work. The appropriate wages shall be deducted from the employee's next payroll check for the hours taken.
- All appeals made by the employee shall be acted upon by the superintendent whose decision shall be final.

### ***State Activities Leave***

An employee may receive eight (8) hours tournament leave, based on full-time employment, prorated for part-time employees, for attendance at all state events, (i.e. chorus, band, volleyball, basketball, football, track, cross country, etc.) in which Tea Area School students are participating and is sponsored by the South Dakota High School Activities Association. This is conditioned upon the availability of substitutes if applicable.

### ***Personal Leave***

The Tea Area School District #41-5 shall provide two (2) days personal leave to all staff who are not eligible for vacation benefits subject to the following conditions:

1. Granted upon approval of the administration for requests made ten (10) days in advance.
2. Will not be granted if ten (10) or more staff members are gone on any one day.
3. Personal leave may be used to extend a vacation or holiday period.
4. Personal leave may not be used during the first or last week of the school year.
5. Exceptions may be granted by the superintendent.
6. One personal day may be carried over to the next school year. Personal leave can accumulate to a maximum of three (3) school days per year.

### ***Jury Duty***

An employee who is required to respond to a call for jury duty shall be excused from work. Classified employees that serve on jury duty shall have the amount of the fee received for jury duty deducted from their next payroll check or the employee may submit the jury reimbursement to the district and no deduction will be made from the employee's check.

### ***Complimentary Activity Pass***

The school board shall issue one complimentary staff activity pass to all classified staff members working over 20 hours per week, to include the classified staff member plus their spouse and children grades K-12 residing in the employee's household, to allow admission to all regular season home activities.

### ***Transitional Return to Work***

The Tea Area School District is committed to assisting employees injured on the job to return to productive employ as soon as possible. The administration and employee's medical professional shall develop guidelines that will determine appropriate job duties and schedules for injured employees. Human Resources will be responsible for communications with the injured employee concerning their job assignments. Human Resources in coordination with the employee's supervisor will manage the transitional duty program. The employee's ability to return to work in any capacity will be monitored by the attending physician and the worker's compensation insurance company handling the claim. The failure of the injured employee to follow all stipulations of the transitional duty program may cause the removal of that employee from the program and affect worker's compensation benefits.

### **Workday/Staff Dismissals**

For the purpose of early dismissal, classified aides are defined as follows:

Clerical aide: primary duties do not require classroom student contact (i.e. office aide, library aide)

Student aide: primary duties require classroom or other direct student contact. (i.e. preschool, resource, or 1:1 aides)

### ***Inclement Weather***

On days when school is not in session due to inclement weather, classified personnel will be expected to be on duty, unless otherwise instructed by their immediate supervisor. Educational aides shall only report if school is in session. The superintendent of schools or the appropriate immediate supervisor will decide whether any classified employees will need to be on duty. If the classified employee does not report to work, or arrives late, or leaves early, or is excused by their immediate supervisor, this should be reported on their time sheet, and the appropriate hours will be deducted from the employee's next regular pay period.

Emergency Dismissal and/or School Closing shall be defined as any situation that constitutes a clear and present danger to the health, safety, and welfare of the students, teachers, and district employees in school.

When school is closed due to inclement weather:

- A. Classified employees, who are notified at least thirty (30) minutes prior to their shift, are not to report unless requested to do so. **Employees who have not been notified, but have reported to work, will be paid for a minimum of two (2) hours.**
- B. Night shift classified employees will be notified at least thirty (30) minutes prior to their shift not to report to work. They will be paid according to 'A' above.
- C. It is the responsibility of all employees to check the designated television or radio stations for school closing information.

### Restricted Days

- A. Delayed Start: Secretarial staff must report to work at their regularly scheduled time. Other employees may report at 9:30am on an unscheduled two-hour late start unless otherwise instructed by their supervisor. Employees who come in late will not be paid for the unworked hours.

- B. Early Dismissal: Unless instructed to finish their shift by their supervisor, employees may be released fifteen (15) minutes after all students have dismissed. The employee will be credited for the time remaining in their shift.
- C. Administrative Assistants shall report for their regular shift. The employee may be excused due to safety by their immediate supervisor or the superintendent to not report to work or to leave early. They will be paid according to A and B above.

***Scheduled Early Dismissal Days***

Classified staff are required to complete their regular shift on early dismissal days due to in-service, conferences and end-of-the-quarter. If the classified employee leaves early or is excused by their immediate supervisor, this should be reported on their time sheet, and the appropriate hours will be deducted from the employee’s next regular pay period.

**Chain of Command in Absence of the Superintendent:**

In case of inclement weather, proceed in the following order:

- High School Principal
- Middle School Principal
- Intermediate School Principal
- Elementary School Principal
- Business Manager

**Chain of Command by School:**

High School: High School Principal, Middle School Principal, Superintendent, Intermediate School Principal, Elementary Principal, Business Manager

Middle School: Middle School Principal, High School Principal, Superintendent, Intermediate School Principal, Elementary Principal, Business Manager

Intermediate School: Intermediate School Principal, Superintendent, Elementary Principal, High School Principal, Middle School Principal, Business Manager.

Elementary School: Elementary Principal, Superintendent, Intermediate School Principal, High School Principal, Middle School Principal, Business Manager

**General Information**

***Public Relations***

Support Staff Relations to Pupils and Public – In general, students are the responsibility of the certified staff. Except, as noted below, support personnel should assume only moderate responsibility over students. A concern should always be for the life and safety of students and others when it is evident that conditions are threatening, classified employees should intervene.

- A custodian is in charge of a building during “off” hours when he/she is present when other **certified** staff are not present to supervise.
- Any classified staff member may intervene during “off” hours when he/she is present when other **certified** staff are not present to supervise.
- **Classified staff are to report ALL incidents with students or others to their immediate administrator/supervisor as immediately as possible and shall make a written report within forty-eight (48) hours.**

***Visitors***

Visitors are always welcome in the Tea Area School District. However, in order to insure the health, safety, and well-being of the students and staff, each person will be required to stop at the main office to indicate his/her purpose for being in the school building and must have permission to visit classrooms or students from the building principal or secretary.

***Injury to Individuals (procedures to follow)***

- A. If an injury to an individual occurs, inform the school nurse, building principal, supervisor, or designated person. If the illness or the injury is not serious, send them to the nurse's office with a responsible person and/or contact the office using the intercom and/or send another responsible person.
- B. The office will contact the parents/guardian, or responsible party, if necessary, using the emergency information found in the building office.
- C. Stay with the ill or injured party until relieved by the school nurse, building principal or his/her designee; or in the case of a student, the above individual(s) or his/her parent(s)/guardian.
- D. NO medication is to be administered.
- E. ALL accidents, no matter how minor, will be recorded on the accident forms provided in the school building site or the administrative office.

### ***Emergency Situations***

When drills of any kind are taking place, and students are instructed to react to the drill, the classified staff person should participate by simulating what he/she is to do during an actual occurrence of the drill. When an emergency arises that directly affects the learning environment or the safety and welfare of the individual in the building, the following shall supersede the classified employee's regular schedule:

- 1. Any classified staff member shall do all in his/her power to correct the emergency as need dictates. If he/she is unable to correct or control the emergency, immediately report the situation to the building principal or to the staff member's immediate supervisor or to the school nurse.

### ***Loan of School Equipment***

Equipment of the school district shall not be loaned to any person or group for use off district property without the approval of the principal or superintendent. When any equipment is to be used at school or in a school building, appropriate school personnel shall operate or supervise the use. Where a cost is involved or equipment is damaged, it shall be paid by the organization using the equipment. The proper form shall be used to check out equipment owned by the school district. This form is available at the administration office.

### ***Disposal of Property***

Classified staff are not to dispose of District or student supplies, equipment, clothing, etc., unless directed by their supervisor or building principal.

### ***Violence Policy***

Any employee injured and unable to accomplish their duties as a result of violent acts under course of employment shall be provided salary, benefits for up to 12 months, and medical costs as per the school district's insurance policy guidelines. No deductions from accumulated leaves will be made.

## **Transportation Personnel**

### ***School Vehicle (Bus) Drivers***

"Regular Transportation/Route" is defined as those trips designed to transport students from residence or designated bus stop location to school of primary assigned attendance at the beginning of their regular school day and return them to their residence or designated bus stop location at the regular or designated closing of the regular school day. Scheduled "late bus" runs are considered "regular transportation" for compensation purposes.

A "special/extra-curricular trip" is defined as the route which the district vehicle takes from the time it departs the bus parking area until it returns to the bus parking and is parked and cleaned. Special trips include all curricular, extracurricular, field trips, activity runs, charter runs, etc. The total time for regular transportation to or from school in either the AM or PM shall be listed as part of the wage scale.

**ALL** overnight trips' terms are set on the wage schedule. Any alterations must be approved by the Business Manager and/or Superintendent. A summary of economic terms shall be committed to writing with each party receiving a copy.

**Addendum I**  
**Tobacco Use – Health and Safety Policy**  
**Administrative Guideline**  
**Code 403.5**

The use of tobacco products in school buildings, on school grounds, at school sponsored activities, in school district vehicles and in school district provided transportation is prohibited.

This prohibition applies to all individuals, including students, employees, persons present in school buildings or on school grounds and persons attending school sponsored activities.

As used in this policy the term “tobacco products” means cigarettes, cigars, pipes, chewing tobacco, snuff and other forms of tobacco.

All building and grounds shall be posted as areas in which tobacco use is prohibited. An individual who violates this policy may be referred to legal authorities at any time in this process if their acts violate state statues or refuses to adhere to this policy.

***Employees:***

- A. The building principal/supervisor who becomes aware of the fact an employee is not complying with this policy will verbally remind the employee of this policy and ask the employee to abide by the policy in the future. A copy of this policy shall be provided to the employee.
- B. When it becomes necessary for the building principal/supervisor to discipline an employee the following disciplinary actions will be taken; however, one or more levels of discipline may be omitted depending on the severity of the incident:
  1. A verbal reprimand
  2. A written reprimand – written, dated and signed reprimands will be placed in the employee’s personnel file. An affected employee will be afforded the opportunity to write a response to the reprimand to be placed in their personnel file. A copy of the written reprimand will be given to the employee. The employee must respond to the written reprimand within ten (10) days of receiving the written reprimand.
  3. Suspension of duty with pay for an indefinite period of time, at the discretion of the superintendent.
  4. Suspension of duty without pay for a determined length of time, at the discretion of the superintendent.
  5. Termination.

Employees facing possible disciplinary action shall be given an opportunity to present their version of the facts. The school board may discipline employees in the same manner listed above. This procedure does not limit the employee’s right of appeal, either through school district policy or codified South Dakota law.

***Public Events – Spectators***

- A. Persons who use tobacco in school buildings, on school grounds, at school sponsored activities, in school district vehicles or in school district provided transportation will be informed of prohibition contained in this policy against the use of tobacco products and will be directed to comply with the policy.
- B. Persons who refuse to comply with this policy or who refuse to extinguish or dispose of the tobacco products will be directed to leave the building grounds or activity immediately.
- C. Persons who continually violate this policy shall be notified in writing to discontinue their actions or be denied admittance to school district “at home” activities.



### ***Athletic Complex***

Activities at the athletic complex/field are to be smoke free. Non-students who wish to use tobacco products must do so off school grounds. Students may not use tobacco products on school property or in school vehicles at any time.

### ***Gymnasiums and Activity Rooms***

Activities at the building sites are to be tobacco free. Non-students who wish to use tobacco products at these activities must leave school grounds if the intent is to use tobacco products. Students may not use tobacco products on school property or in school vehicles at any time.

### ***Students***

After confirmation by the administration:

1. **First Violation** – The student may be suspended (1 to 10 school days), and the student shall lose eligibility for the next two weeks or next two consecutive events in each activity, whichever is less. The student will be required to attend a conference with the school counselor. The conference will be educational and may require more than one meeting and/or assignments to be completed. It is up to the discretion of the coach, advisor, or director whether the individual would continue to practice during the suspension.
2. **Second Violation** – The student may be suspended (1 to 10 school days), and the student shall lose eligibility for the next six weeks or next six consecutive events in each activity, whichever is less. The student will be required to attend an alcohol education program designed or chosen by the school counselor. The student would be required to perform 20 hours of community service. The community service will be determined and monitored by the school counselor. It is up to the discretion of the coach, advisor, or director whether the individual would continue to practice during the suspension.
3. **Third Violation** – The student will be recommended for expulsion and the student shall lose eligibility for all activities the remainder of the school year. In order for the student to return to activities the following year, the student shall: complete a drug and alcohol program chosen by the school counselor and perform 40 hours of community service. The community service will be determined and monitored by the school counselor.
4. **Fourth Violation** – The student shall lose eligibility from participating in all Tea Area High School Activities for the remainder of the student's eligibility.

*The Tea Area School District 41-5 shall not discriminate in standards or rules of behavior or disciplinary measures including suspension and expulsions on the basis of gender, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional learning disability or condition. Discrimination complaints shall be processed in accordance with established procedures and South Dakota State statutes.*

EFFECTIVE BEGINNING JULY 1, 2003.

**Addendum II**  
**Tea Area School District**  
**Abuse and Neglect Policy and Procedures**

REPORTING PROCEDURES

1. When a staff member/mandatory reporter hears a report of child abuse from a child or suspects abuse they will immediately contact their school counselor and/or administrator. If the administrator and counselor are unavailable then contact the school nurse.
2. Be prepared to give a detailed report of what the child said or what you observed that made you suspect the abuse.
3. If there are physical signs of abuse the school nurse will need to be notified immediately.
4. The counselor, administrator or school nurse will make the call to the Department of Social Services or law enforcement.
5. If the counselor and the administrator are out of the district for the day and the school nurse is unavailable, it is the staff member's responsibility to make the report to the Department of Social Services. You must make the call the same day the abuse is suspected or reported. If it is after 4:30pm and you can't reach social services or law enforcement, then call immediately the next morning.  
\*\* Tea Area School District is covered by Sioux Falls  
\*\*Call 605-367-5460. Ask for an intake worker.
6. Please fill out the Suspected Abuse Report form before you call DSS.
7. The intake worker will walk you through the process. They are very helpful. Remember to stick to the facts that you know. The intake worker may ask you questions regarding the student's grades, attendance, behavior, and other concerns you may have.

**Suspected Child Abuse Report  
(Call DSS 367-5460)**

Child's Name \_\_\_\_\_ Age \_\_\_\_\_ Birth Date \_\_\_\_\_

Child's Grade/Homeroom \_\_\_\_\_

Name of Parent/Guardian \_\_\_\_\_

Address \_\_\_\_\_

Telephone (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Siblings: Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Type of Abuse Suspected:

\_\_\_\_ Physical \_\_\_\_ Sexual \_\_\_\_ Emotional \_\_\_\_ Neglect

Reasons the abuse mentioned above is suspected (be specific)

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Name of person reporting the suspected abuse \_\_\_\_\_

Date and time reported \_\_\_\_\_

Authorities Notified: \_\_\_\_ Social Services \_\_\_\_ Law Enforcement

Name of person taking the report \_\_\_\_\_

\*Request a follow up letter to be sent to the person reporting.

## LEGAL ISSUES

The following descriptions of legal issues are in accordance with South Dakota Codified Laws.

### **REPORTING**

Any person defined in 26-8A-3, 26-8A-4, or 26-8A-5 having reasonable cause to suspect that a child under the age of eighteen has been subjected to physical abuse, sexual abuse, psychological maltreatment, or neglect is mandated to report his or her suspicions to the designated state officials.

26-8A-3 - Persons required to report child abuse or neglect child – Intentional failure as misdemeanor. Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or court services officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, chemical dependency counselor or coroner, having reasonable cause to suspect that any child under the age of eighteen years, has been abused or neglected as defined in 26-8A-2, and 26-8A-8. Any person who intentionally fails to make the required report is guilty of a Class I misdemeanor. Any person who neglect as defined in 26-8A-2 may report that information as provided in 26-8A-8.

26-8A-4 – Additional persons to report death resulting from abuse or neglect – Intentional failure as misdemeanor. In addition to the report required under 26-8A-3, any person who has reasonable cause to suspect that a child has died as a result of child abuse or neglect as defined in 26-8A-2 shall report information to the medical examiner or coroner. Upon receipt of the report the medical examiner or coroner shall cause an investigation to be made and submit written findings to the state's attorney and the Department of Social Services. Any person required to report under this section who knowingly and intentionally fails to make a report is guilty of a Class I misdemeanor.

26-8A-5 – Application of terms. As used in 26-8A-3 and 26-8A-7, the terms, "teacher", "school counselor", "school official", "superintendent", apply to any person substantially performing the respective duties of such position, in any public or private school, whether accredited or unaccredited and to any person providing instruction pursuant to 13-27-3.

26-8A-10 – Report to social services – content. A report made pursuant to 26-8A-8 to the Department of Social Services shall include the date and place of birth of the child, the name and address of the child's parents, guardian, custodian or responsible persons, and the date of the report, the suspected or proven instances of child abuse or neglect as defined in 26-8A-2. The Department of Social Services shall be the central registry for such information.

### **SOUTH DAKOTA CODIFIED LAW 26-8A-2**

The term abused or neglected child means a child:

- Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
- Who lacks proper parental care through the actions or omissions of the parent, guardian, or custodian;
- Whose environment is injurious to his welfare;
- Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care or any other care necessary for his health, guidance, or well-being; or
- Who is homeless, without proper care, or not domiciled with his parent, guardian, or custodian through no fault of his parent, guardian or custodian;

- Who is threatened with substantial harm;
- Who has sustained emotional harm or mental injury as indicated by an injury to his intellectual or psychological capacity evidenced by an observable and substantial impairment in his ability to function within his normal range of performance and behavior, with due regard to his culture;
- Who is subject to sexual abuse, sexual molestation or sexual exploitation by his parent, guardian, custodian or any other person responsible for his care;
- Who was subject to prenatal exposure to abusive use of alcohol or any controlled drug or substance not lawfully prescribed by a practitioner (as authorized by chapters 22-42 and 34-20B.)

26-8A-8 Oral report of child abuse – To whom made – Response report. The reports required by 26-8A-3, 26-8A-6 and 26-8A-7 and by other sections of this chapter shall be made orally and immediately by telephone or otherwise to the state’s attorney of the county in which the child resides or is present, to the department of social services, or to the law enforcement officers. The state’s attorney or law enforcement officers, upon receiving a report shall immediately notify the department of social services. Any person receiving a report of suspected child abuse or child neglect shall keep the report confidential as provided in 26-8A-13, except as otherwise provided in Chapter 26-7A or this chapter. The person receiving a report alleging child abuse or neglect shall ask whether or not the reporting party desires a response report. If requested by the reporting person, the Department of Social Services or the concerned law enforcement officer shall issue within thirty days, a written acknowledgment of receipt of the report and a response stating whether or not the report will be investigated.

## **LIABILITY**

Reporters are immune from liability, both civil and criminal, when making a child abuse or neglect report in good faith, even if the report is not substantiated by the ensuing investigation.

26-81-14 – Immunity from liability. Any person or party participating in good faith in the making of a report of the submitting of copies of medical examination, treatment of hospitalization records pursuant to 26-8A-3 to 26-8A-8 or pursuant to any other provisions of this chapter, is immune from any liability, civil or criminal that might otherwise be incurred or imposed, and has the same immunity for participation in any judicial proceeding resulting from the report. Immunity also extends in the same manner to persons requesting the taking of photographs and X-rays pursuant to 26-8A-16, to persons taking the photographs and X-rays to Child Protection teams established by the secretary of Social Services, to public officials or employees involved in the investigation and treatment of child abuse and neglect or making a temporary placement of the child pursuant to this chapter, or to any person who in good faith cooperates with a Child Protection Team of the Department of Social Services in an investigation, placement of a treatment plan. The procession of this section or any other section granting or allowing the grant of immunity do not extend to any person alleged to have committed an act of acts of child abuse.

## **PENALTIES**

Failure to make a required report of suspected abuse and/or neglect of a child is a Class I Misdemeanor. Failure to disclose a felony case of child abuse is considered misprision of a felony and is also a Class I Misdemeanor. A Class I Misdemeanor carries a maximum penalty of one year in jail and/or a \$1,000 fine. Failure to make a required report also renders mandated reports liable for civil suites.

26-8A-7 – Child abuse or neglect reports by school personnel -- failure as misdemeanor – written policy required. Any person who has contact with a child through the performance of services in any public or private school, whether unaccredited or unaccredited as a teacher, school nurse, school counselor, school official or administrator, or any person providing services pursuant to 13-27-3 shall notify the school principal or superintendent or designee of suspected abuse or neglect. The school principal or school superintendent shall report the information in accordance with the provision of 26-8A-8. Any person who knowingly and intentionally fails to make a report required as guilty of a Class I Misdemeanor. Each school district shall have a written policy on reporting of child abuse and neglect.

26-8A-6 Report of Abuse of neglect by hospital personnel – failure as misdemeanor – written policy required. Any person who has contact with a child through the performance of services as member of a staff of a hospital or similar institution shall immediately notify the person in charge of the institution or his designee of suspected abuse or neglect. The person in charge shall report the information in accordance with the provision of 26-8A-8. Any person required by this section report shall also promptly submit to the States Attorney complete copies of all medical examination, treatment and hospital records regarding the child. Any person who knowingly and intentionally fails to make a required report and to submit copies of records is guilty of a Class I Misdemeanor. Each hospital or similar institution shall have a written policy on reporting of child abuse and neglect and submission of medical examination, treatment and hospital records to the States Attorney.

## **CONFIDENTIALITY**

Communications involving suspected child abuse and neglect are not privileged with report to reporting and judicial proceedings, including initiating care and protection orders.

26-8A-13 – Confidentiality of Abuse or Neglect Information – Violation as Misdemeanor Release to Certain Parties. All investigative case records and files relating to reports of child abuse and neglect are confidential, and no disclosure or any such record other information may be made except as authorization in Chapter 26-7A or this chapter. Any person who knowingly violates the confidential nature of the records, files or information is guilty of Class I Misdemeanor. The Department of Social Services may release records, files or other information to the following parties upon the receipt by the Department of a request showing that it is necessary for the parties to have such information in the performance of official functions relating to Child Abuse or Neglect.

1. The Attorney General, the State's Attorneys, law enforcement agencies, Protective Services workers and judges of the courts investigating reports of known or suspected Child Abuse or Neglect;
2. The Attorney or Guardian ad litem of the child who is the subject of the information;
3. Public Officials or their authorized representatives who require the information in connection with the discharge of official duties;
4. Institutions and agencies that have legal responsibility or authorization to care for, treat or supervise a child who is the subject of the information or report;
5. An adoptive parent of the child who is the subject of the information or report and a licensed Child Welfare Agency for screening of applicants;
6. A State, Regional or National Registry of Child Abuse and Neglect cases and Courts of record of other States; and,
7. A validly appointed and registered Child Protection Team under 26-8A-17; and

8. A physician who has before him a child whom the physician reasonably suspects may be abused or neglected; and
9. A person eligible to submit an adoptive home study report under 25-6-9.1 or 26-4-15.

Information received by an authorized receiving party shall be held confidential by the receiving party. However, the Court may order the release of the information or any portion of it necessary for determination of an issue before the Court.

26-8A-15 – Communications not privilege in Child Abuse or Neglect Cases. The privilege of confidentiality set from in 19-2-3, 19-13-21.1 and 19-13-6 to 19-13-15, inclusive, and 36-26-30, may not be claimed in any judicial proceeding involving an alleged abused or neglected child or resulting from the giving or causing the giving of a report concerning abuse or neglect of a child pursuant to 26-8A-3 to 26-8A-8, inclusive.

26-8A-17 – Child Protection Teams. The Secretary of Social Services may appoint Child Protection Teams to assist in the prevention and treatment of Child Abuse and Neglect. A Child Protection Team may include licensed or certified medical and health professionals, the Court Services Officer recommended by the presiding Judge of a Judicial Circuit in which the Team is to operate, the Secretaries of Social Services and health or their designees, a Representative of a Mental Health Center, a Representative of a Public School District in which the Team is to operate, an Attorney, a foster parent and one or more representatives of the public. The Department of Social Services shall maintain a record of the membership of each Child Protection Team.

## **DEFINITIONS**

PHYSICAL ABUSE – Physical abuse occurs as the result of acts or omissions by the child’s caretaker. Physical abuse is non-accidental. Non-accidental injury is an injury which was foreseen or which a reasonable person could have foreseen in similar circumstances. This includes the caretaker’s failure to intervene in situations such as allowing an older child to play roughly with a baby.

Physical abuse can vary from minor injuries resulting in bruising alone to major injuries resulting in death. Minor injuries are more common but less recognized as physical abuse.

Physical abuse includes:

- bruises, abrasions, lacerations, welts, and sprains.
- fractured bones or teeth.
- burns.
- ocular, head, chest, abdominal, or other serious injury.
- pharmacologic abuse by giving the child an unprescribed harmful substance such as valium for sedation or intentional homicidal poisoning.
- Munchausen’s Syndrome by proxy (production of a fictitious illness).

EMOTIONAL ABUSE – The International Conference on Psychological Abuse of Children and Youth, in 1983, endorsed the substitution of the term “psychological maltreatment” for “emotional abuse” in an effort to be more inclusive of all the affective and cognitive aspects of child maltreatment. A working definition, with a broad level of support, was developed:

Psychological maltreatment of children and youth consists of acts of omission and commission which are judged by community standards and professional expertise to be psychologically damaging. Such acts are committed by individuals, singly or collectively, who by their characteristics (e.g., age, status, knowledge, organizational form) are in a position of differential power that renders a child vulnerable. Such acts damage

immediately or ultimately the behavioral, cognitive, affective, of physical functioning of a child.\*

Psychological maltreatment is inherent in other forms of child maltreatment, in addition to existing in its own desecrate forms, and therefore it may be present in practically all of the reports cases of child abuse and neglect. In fact, there is an increasing awareness that psychological maltreatment is the core issue in child maltreatment.

Psychological maltreatment includes:

- Verbal abuse: teasing, belittling, terrorizing, and rejection; this usually refers to a persistent and chronic pattern rather than an isolated incident but can also be a severe incident especially when it results in severe public humiliation.
- Emotional Neglect: the conscious or unconscious deprivation of the love and nurturance that children require for normal growth and development; this category can also include inattention to a child's educational and social needs.
- Emotional abuse resulting from physical abuse, sexual abuse, and neglect: as previously stated, psychological maltreatment is often the core issue in child maltreatment. For example the physical harm or the sexual activity do not usually directly result in long term consequences, rather the emotional connected with these events result in long term problems for the child.

## **SEXUAL ABUSE**

Sexual abuse occurs as the result of acts or omissions by the child's caretaker. Authorities in this type of child abuse prefer the term "sexual exploitation" as they feel that "abuse" implies an aggressive intention. Sexual exploitation can be broadly defined as engaing a child in, allowing a child to be engaged in, or exposing a child to sexual stimulation, sexual contact, or sexual penetration that violated the social taboos of society or to which a child cannot give informed consent. (According to South Dakota law, a child must be at least 16 years old to provide informed consent.)

Mandated Reporters need to have an understanding of the range of sexually related behaviors between a child and caretaker that are considered offenses. Clarity is thereby obtained regarding what society considers sexually inappropriate when individual judgments differ.

Sexual Abuse includes: (as defined by S.D. Law)

- Sexual Penetration: an act, however slight, of sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the body or of an object into the genital or anal openings of another person's body.
- Sexual Contact: any touching, not amounting to rape, of the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party. (By legal precedent this includes contact through clothing.)
- Incest: knowingly engaged in sexual contact with another person, other than his/her spouse, if that other person is under the age of 21 and is within the degree of consanguinity or affinity within which marriages are by the laws of this state declared void.

Sexual abuse may fall under laws pertaining to Indecent Exposure, Prostitution, Child Pornography, or Sexual Exploitation.

## **NEGLECT**



Neglect occurs as the result of omissions by the child's caretaker.

Neglect includes:

- Physical neglect: failure to provide adequate nutrition, supervision, clothing, or shelter.
- Emotional neglect: the conscious or unconscious deprivation of the love and nurturance that children require for normal growth and development. This category can also include inattention to a child's educational and social needs. Emotional neglect was also defined under "psychological maltreatment".
- Medical neglect: the ignoring of medical recommendations or the withholding of treatment required for a child's health and normal development. This includes inadequate immunizations and dental care, and the lack of needed prostheses such as eyeglasses and hearing aids.

## RECOGNIZING CHILD ABUSE AND NEGLECT: SIGNS AND SYMPTOMS

### INTRODUCTION

The first step in helping abused or neglected children is learning to recognize the signs of child abuse and neglect. The presence of a single sign does not prove child abuse is occurring in a family; however, when these signs appear repeatedly or in combination you should take a closer look at the situation and consider the possibility of child abuse.

If you do suspect a child is being harmed, reporting your suspicions may protect the child and get help for the family. Contact your local child protective services agency or police department. For more information about where and how to file a report, call the Childhelp® USA National Child Abuse Hotline (1-800-4-A-CHILD®).

### RECOGNIZING CHILD ABUSE

The following signs may signal the presence of child abuse or neglect.

The Child:

- Shows sudden changes in behavior or school performance.
- Has not received help for physical or medical problems brought to the parents' attention.
- Has learning problems (or difficulty concentrating) that cannot be attributed to specific physical or psychological causes.
- Is always watchful, as through preparing for something bad to happen.
- Lacks adult supervision.
- Is overly compliant, passive, or withdrawn.
- Comes to school or other activities early, stays late, and does not want to go home.

The Parent:

- Shows little concern for the child.
- Denies the existence of – or blames the child for – the child's problems in school or at home.
- Asks teachers or other caretakers to use harsh physical discipline if the child misbehaves.
- Sees the child as entirely bad, worthless, or burdensome.
- Demands a level of physical or academic performance the child cannot achieve.
- Looks primarily to the child for care, attention, and satisfaction of emotional needs.

The Parent and Child:

- Rarely touch or look at each other.
- Consider their relationship entirely negative.
- State that they do not like each other.

## TYPES OF ABUSE

The following are some signs often associated with particular types of child abuse and neglect: physical abuse, neglect, sexual abuse, and emotional abuse. It is important to note, however, these types of abuse are more typically found in combination than alone. A physically abused child, for example, is often emotionally abused as well, and a sexually abused child also may be neglected.

## SIGNS OF PHYSICAL ABUSE

Consider the possibility of physical abuse when the child:

- Has unexplained burns, bites, bruises, broken bones, or black eyes.
- Has fading bruises or other marks noticeable after an absence from school.
- Seems frightened of the parents and protests or cries when it is time to go home.
- Shrinks at the approach of adults.
- Reports injury by a parent or another adult caregiver.

Consider the possibility of physical abuse when the parent or other adult caregiver:

- Offers conflicting, unconvincing, or no explanation for the child's injury.
- Describes the child as "evil", or in some other very negative way.
- Uses harsh physical discipline with the child.
- Has a history of abuse as a child.

## SIGNS OF NEGLECT

Consider the possibility of neglect when the child:

- Is frequently absent from school.
- Begs or steals food or money.
- Lacks needed medical or dental care, immunizations, or glasses.
- Is consistently dirty and has severe body odor.
- Lacks sufficient clothing for the weather.
- Abuses alcohol or other drugs.
- States that there is no one at home to provide care.

Consider the possibility of neglect when the parent or other adult caregiver:

- Appears to be indifferent to the child.
- Seems apathetic or depressed.
- Behaves irrationally or in a bizarre manner.

- Is abusing alcohol or other drugs.

### **SIGNS OF SEXUAL ABUSE**

Consider the possibility of sexual abuse when the child:

- Has difficulty walking or sitting.
- Suddenly refuses to change for gym or to participate in physical activities.
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite.
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior.
- Becomes pregnant or contract venereal disease, particularly if under age 14.
- Runs away.
- Reports sexual abuse by a parent or another adult caregiver.

Consider the possibility of sexual abuse then the parent or other adult caregiver:

- Is unduly protective of the child or severely limits the child's contact with other children, especially of the opposite sex.
- Is secretive and isolated.
- Is jealous or controlling with family members.

### **SIGNS OF EMOTIONAL MALTREATMENT**

Consider the possibility of emotional maltreatment when the child:

- Shows extremes in behavior, such as overly compliant or demanding behavior, extreme passivity, or aggression.
- Is either inappropriately adult (parenting other children, for example) or inappropriately infantile (frequently rocking or head-banging, for example).
- Is delayed in physical or emotional development.
- Has attempted suicide.
- Reports a lack of attachment to the parent.

Consider the possibility of emotional maltreatment when the parent or other adult caregiver:

- Constantly blames, belittles, or berates the child.
- Is unconcerned about the child and refuses to consider offers of help for the child's problems.
- Overtly rejects the child.

This section was adapted, with permission, from *Recognizing Child Abuse: What Parents Should Know*. Prevent Child Abuse America. ©2003.

**Addendum III  
Tea Area School District  
Family and Medical Leave Policy**

PURPOSE:

The purpose of this policy is to outline the conditions under which an employee may request time off without pay for a limited period for medical reasons or to provide family care pursuant to the Family and Medical Leave Act of 1993 (FMLA).

DEFINITIONS:

A family or medical leave of absence is defined as a approved absence available to eligible employees for up to 12 weeks of unpaid leave during any 12-month period under the circumstances specified in this policy. The 12-month period is a “rolling” period measured backward from the date an employee uses any FMLA leave.

EXAMPLE: If an employee has taken eight (8) weeks leave during the past twelve (12) months, an additional four (4) weeks of leave could be taken. If an employee used four (4) weeks beginning February 1, 2005, four (4) weeks beginning June 1, 2005, and four (4) weeks beginning December 1, 2005, the employee would not be entitled to any additional leave until February 1, 2006. Beginning on February 1, 2006, employee would be entitled to four (4) weeks of leave, on June 1, the employee would be entitled to an additional four (4) weeks, etc.

Leave may be taken:

1. On the birth of an employee’s child and to care for the newborn child;
2. On the placement of a child for adoption or foster care with an employee;
3. When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
4. When an employee is unable to perform at least one of the functions of his or her position because of the employee’s own serious health condition.

A “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care.  
Inpatient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with, or as a consequence of, such inpatient care.
2. Absence Plus Treatment.  
A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
  - (1) Treatment two or more times by a health care provider, a nurse, or a physician’s assistant under direct supervision of a health care provider or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
  - (2) Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy.  
Any period of incapacity due to pregnancy or for prenatal care.

4. Chronic Conditions Requiring Treatment.  
A chronic condition that:
  - (a) Requires periodic visit for treatment by a health care provider or nurse or physician's assistant under the direct supervision of a health care provider;
  - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (c) May cause episodic incapacity rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
5. Permanent/Long-Term Conditions Requiring Supervision.  
A period of incapacity that is a permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment from, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-chronic Conditions).  
Any period of absence to receive multiple treatments (including any period of recovery from them) by a health care provider or a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would be likely to result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

#### PAID LEAVE:

This policy applies to all family and medical leaves of absence except for leaves that are covered under paid employment benefit plans or policies for any part of the 12 weeks' leave to which the employee may be entitled under this policy. In other words, if an employee is entitled to both FMLA leave and paid leave under another benefit plan or policy, the employee must take the paid leave first.

#### ELIGIBILITY:

To be eligible for leave under this policy, an employee must have been employed by the Tea Area School District (the "District") for at least 12 months and must have worked at least 1250 hours during the 12-month period preceding the beginning of the leave.

#### BASIC REGULATIONS AND CONDITIONS OF LEAVE:

##### Medical Certification.

The District will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. In the case of foreseeable leave, the District may delay the taking of FMLA leave to an employee who fails to provide timely certification until the required certification is provided. When the need for leave is not foreseeable, an employee must provide certification within the time frame requested by the employer (at least 15 days) or as soon as reasonably possible under the circumstances. If the medical certification is not provided within a reasonable time, the District may delay the continuation of FMLA leave.

The District may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, the District may require the binding opinion of a third health care provider, approved jointly by the District and the employee and paid for by the District.

#### Intermittent or Reduced Leave.

Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee, or his or her spouse, child, or parent. If leave is requested on this basis, however, the District may require the employee to transfer temporarily to a part-time schedule or an alternative position that better accommodates recurring absences. The alternative position will have equivalent pay and benefits.

#### Spouses Combined Leave.

Spouses who are both employed by the District are entitled to a total of 12 weeks leave (rather than 12 weeks each) for the birth or placement in adoption or foster care of a child or for the care of a sick parent.

#### NOTIFICATION AND REPORT REQUIREMENTS:

When the need for leave is foreseeable, such as the birth of a child, the placement in adoption or foster care of a child, or planned medical treatment, the employee must provide at least 30 days prior notice and make an effort to schedule leave so that it does not unduly disrupt the District's operations. If 30 days notice is not practicable because of a medical emergency, notice must be given as soon as possible and practicable, taking into account all of the facts and circumstances.

When the need for leave is not foreseeable, an employee should give notice of the need for FMLA leave as soon as practicable or within one or two working days of the need for leave.

Under some circumstances, the District may request subsequent recertifications of medical conditions and may require an employee to report periodically on the employee's status and intent to return to work. A fitness for duty certification shall not be required of the employee as a condition to return to work.

#### STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE:

##### Health Insurance.

Group health insurance coverage will continue for employees on leave as if they were still working. Employees who are granted an approved leave of absence under this policy must arrange to pay their share of premiums during the absence. If the leave is paid, premiums will continue to be paid through payroll deductions. If the leave is unpaid, employees are responsible for making sure the District receives premium payments by the normal payroll dates. The District will provide a schedule of payment amounts and due dates at the beginning of any unpaid leave of absence. The District's obligation to maintain health insurance ceases if an employee's premium payment is more than 30 days late.

##### Recovery of Premiums.

If the District elects to maintain an employee's health coverage by paying the employee's share of missed premium payments, or if an employee chooses not to return to work after an approved unpaid leave of absence, the District may recover from the employee the cost of any payments made to maintain the employee's health insurance, unless the failure to return is because of a serious health condition or reasons beyond the employee's control. An employee who returns to work for at least 30 calendar days is considered to have returned to work. Benefit entitlements based on length of service will be calculated as of the last paid work day before the start of the unpaid absence.

#### RESTORATION:

Upon return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

#### PROCEDURES:

Request Form.

A Request for Family Medical Leave of Absence Form must be completed, signed by the employee, and submitted to the District's Business Manager for proper approvals.

All requests for family and medical leaves of absence due to a serious health condition must include the completed medical certification form stating:

1. The date on which the serious health condition began;
2. The probably duration of the condition; and
3. The appropriate medical facts that the health care provider knows about the condition.

In addition, for leave to care for a child, spouse, or parent, the certificate must include an estimate of the amount of time that the employee is needed to provide such care.

For leave for an employee's illness, the certificate must state that the employee is unable to perform at least one of the functions of his or her position.

For certification for intermittent leave or leave on a reduced-level schedule for planned medical treatment, the certificate must state the dates on which such treatment is expected to be given and the duration of the treatment.

OTHER RIGHTS:

Both the District and the employee may have additional rights and obligations under the FMLA. Nothing in this policy is intended to limit or restrict any rights available under the FMLA but not contained in this policy.