

DOUGLAS SCHOOL DISTRICT
BOARD OF EDUCATION

AGENDA

Monday, February 14, 2022

**VANDENBERG ELEMENTARY SCHOOL - Library Conference Room
561 Briggs Street
Box Elder, SD 57719**

5:00 PM

DOUGLAS SCHOOL DISTRICT INVITES YOU TO ATTEND A SCHEDULED ZOOM ROOM MEETING:

Join Zoom Meeting:

<https://sdk12.zoom.us/j/93327508677?pwd=ME9YZ2hRNmNBYWhGMkx3TnFiUXI5UT09>

Meeting ID: 933 2750 8677

Passcode: 322810

1. Call Meeting To Order:
2. Pledge of Allegiance and Moment of Silence In Honor Of Fallen Soldiers And Active Duty Persons:
3. Recognition: School Board Recognition Week - February 21-25
4. Public Forum:
5. Approval of Agenda:
6. Consent Agenda Items:
 - A. Approval of Regular Meeting Minutes for January 24, 2022.
 - B. Approve Personnel Action
 - C. Approve the Purchases and Issuing of Accounts Payable and Payroll
 - D. Approve Conflict Disclosures and Waiver Authorizations Pursuant to SDCL 3-23-3
 - E. Remove Uncollectable Charges from Accounts Receivable Listing
 - F. Uncashed Checks sent to Unclaimed Property
7. Items Removed From Consent Agenda

8. Elementary and Secondary Curriculum and Instruction Items:
9. Superintendent Items:
 - A. Approve Student Assignment Requests as recommended to attend Douglas School District for the 2021-22 school year.
 - B. Acknowledge receipt of letter from the Douglas Education Association indicating the desire to enter into negotiations for the 2022-23 school year.
 - C. Brief update on Administrative District Values and Beliefs.
10. Fiscal Resources Items:
11. Operational Support Services Items:
 - A. Hear First Reading of Revised Board Policy BD - School Board Meetings.
 - B. Hear First Reading of Revised Board Policy BDC - Executive Session.
 - C. Hear First Reading of Revised Board Policy GCPBA - Resignation of Administrators/Directors.
 - D. Hear First Reading of Board Policy Regulation JFB-R (Dispute Process for Homeless Children) and Exhibits JFB-E (1) Appeal to the Superintendent and JFB-E(2) Appeal to the School Board.
 - E. Hear Second Reading and Approve Revised Board Policy ACAA - Sexual Harassment.
 - F. Hear Second Reading and Approve Revised Administrative Regulation ACAA-R - Sexual Harassment.
 - G. Hear Second Reading and Approve Exhibits ACAA-E(1), ACAA-E(2), and ACAA-E(3) - Sexual Harassment Complaint and Appeal Forms.
 - H. Hear Second Reading and Approve Revised Board Policy JEAA - Student Alternative Instruction.
 - I. Hear Second Reading and Approve Removing Board Policy Exhibit JEAA-E - Application for Public School Exemption Certificate.
 - J. Hear Second Reading and Approve Revised Board Policy INDA - Patriotic Exercises / Flag Displays / Organizations.
12. Reports:
 - A. Superintendent:
 1. Thought Exchange Top Thoughts from Elementary #1 Building Committee

B. Committee Reports From Board Members and Comments from Associate Board Members

13. Upcoming Calendar Events:

February 15 & 17 - Parent-Teacher Conferences

February 18 - No School Conference Comp

February 21 - No School - Holiday

February 28 - BOE Meeting

14. Executive Session to prepare for Superintendent Evaluation according to SDCL 1-25-2.1

15. Adjournment

BOARD POLICY

Section B

Board Governance and Operations

File: BDDH

PUBLIC PARTICIPATION AT BOARD MEETINGS

The School Board recognizes and respects the input which may be provided by the public on school district matters. The Board also recognizes and respects the distinction between a school board meeting and a public meeting.

- At a school board meeting which is open to the public, members of the public may be present, observe and listen to the school board conduct its business and may speak during the school board meeting consistent with this policy.
- At a public meeting/hearing there is usually one topic to be presented by the District and discussed. The public is given the opportunity to speak and be heard on the topic which is the reason for the public meeting. This type of meeting allows for public participation under the rules designed specifically for that meeting and is not subject to this policy.

Policy BDDH, Public Participation at Board meetings, applies only to topics addressed in open/public. Matters addressed in executive session pursuant to SDCL 1-25-2 are not open to the public.

Persons speaking during the Public Forum at a school board meeting shall not cause public inconvenience, annoyance, or alarm to the school board or any person, and shall not engage in threatening behavior, make unreasonable noise, be disruptive, boisterous, argumentative, or threatening, shall not make comments which are disrespectful to one or more persons, and shall not use profanity.

The time designated for Public Forum on the agenda shall be immediately before the adoption of the meeting agenda by the school board.

In order to assure that the Board may conduct its meetings in a respectful and efficient manner, the procedure for public participation at regularly scheduled monthly school board meetings is as follows:

1. Agenda and Non Agenda Items:
 - a. Before the meeting is called to order, an individual who desires to speak at a school board meeting must in writing inform the Superintendent, the Business Manager or the Board President of the person's desire to speak and the topic upon which the person intends to speak. The requesting party must sign a form (prepared by the school district) with their name, address, email and topic to be addressed.
 - b. During the time designated for Public Forum, the Board President will recognize the person who signed up to speak and the person may speak on the topic according to the rules set forth in this policy.

BOARD POLICY

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- c. A speaker shall be granted 5 minutes to present comments to the school board. Upon receiving a request for an extension of time from the speaker, the school board, upon a motion being made and passed by a majority of school board members present and voting, may grant an additional amount of time not to exceed 5 minutes. Additional extensions may be granted only upon a two-thirds vote of school board members present and voting.
 - d. Should a number of persons wish to address the school board on the same agenda item, or should the comments become repetitious, the School Board President, in the President's sole discretion, may shorten the time for comments to two minutes per person in order that persons wishing to address the school board may be heard and still allow the school board sufficient time to conduct its agenda business.
2. Adding an Item to the School Board Meeting Agenda in Order to Request Specific School Board Action:
 - a. Any person or delegation (with one person being the spokesperson for the delegation) making a specific request to the school board which would require formal action by the school board must present a written request to the Superintendent for the item to be placed on the school board meeting proposed agenda. The written request must be submitted to the Superintendent at least five calendar days before the school board meeting.
 - b. The specific request to add an item to the agenda shall clearly identify what is being requested and why, signed by the person making the request, and include the person's name, address, email and telephone number.
 - c. The Superintendent will forward the request to the School Board President and the Board President will decide whether the item will be placed on the proposed agenda. Whether any item is to be addressed at the school board meeting is determined by a majority of school board members at the beginning of the school board meeting when the school board adopts the proposed agenda as printed or adopted after being modified.
 - d. If the item on the meeting agenda is adopted by the school board, the person or spokesperson for the delegation who has submitted the request for specific school board action will be granted 10 minutes to explain the request to the school board. Upon receiving a request for an extension of time from the speaker, the school board, upon a motion being made and passed by the majority of school board members present, may grant an additional amount of time not to exceed 5 minutes. Additional extensions may be granted only upon a two-thirds vote of school board members present and voting.

BOARD POLICY

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e. In the sole discretion of the school board, requests to the school board for specific action submitted after the proposed agenda has been posted may be:

- deferred until the next regular meeting or a special school board meeting, or
- added to the meeting agenda for discussion purposes only, or
- added to the agenda for discussion and possible action.

3. Authority of Presiding Officer:

The Board vests in its presiding officer the authority to terminate the right of any person to speak at the end of the time granted pursuant to provision 1.c, provision 1.d, or provision 2.d. as set forth in this policy. The presiding officer may also terminate the right of a person to speak at a school board meeting should the person cause public inconvenience, annoyance, or alarm to the school board or any person, engage in threatening behavior, make unreasonable noise, disturb or be disruptive of an official school board meeting, or when comments are disrespectful to one or more persons, boisterous, argumentative, threatening, or contain profanity.

If deemed necessary by the presiding officer, the presiding officer may contact local law enforcement to have a person removed from the school board meeting as it is a violation of law for a person to intentionally cause or create a risk of serious public inconvenience, annoyance, alarm or disturbance at a school board meeting.

References	Adoption History
State Reference:	Approved 09/08/77
SDCL 1-25-1	First Reading of Revision 10/10/85
SDCL 1-25-2	Approved – Revision 11/14/85
SDCL 13-32-6	First Reading 11/17/14
SDCL 13-8-39	Approved 12/08/14
SDCL 22-18-35(3)	First Reading – Rewrite 2/13/17
	Approved 2/27/17

MINUTES
DOUGLAS SCHOOL DISTRICT
BOARD OF EDUCATION MEETING

Monday, January 24, 2022

The Douglas School District No. 51-1 Board of Education held a regular meeting on Monday, January 24, 2022 at 5:00 PM in the library conference room at Vandenberg Elementary School, Box Elder, South Dakota. President Cathleen Melendez presided. Those present were:

Ben Frerichs: Present, Tanya Gray: Present, Amy McGovern: Present, Cathy Melendez: Present, Chris Misselt: Present.

All actions in these Minutes were by unanimous vote unless otherwise stated.

President Melendez called the meeting to order at 5:00 p.m.

During Public Forum, Lori Ashley, DSD staff member and parent, spoke in support of High School Activities Director Naomi Hatfield's recommendation to not have school softball as a spring sport as it conflicts with the existing club travel teams.

Motion to approve the agenda. This motion, made by Ben Frerichs and seconded by Amy McGovern, Carried.

Motion to approve the consent agenda, pulling out item 6E for separate consideration. This motion, made by Tanya Gray and seconded by Amy McGovern, Carried.

Approved Regular Board Meeting Minutes of January 10, 2022.

Approved Personnel Action for January 24, 2022. (Attachment)

Approved December Financial Reports (Attachment)

Approved Accounts Payable Report. (Attachment)

There were no conflicts disclosed as defined in SDCL 3-23.

Items Removed from Consent Agenda:

Amend motion to approve not adding softball as a school sport at this time. This motion, made by Ben Frerichs and seconded by Amy McGovern, Carried.

Elementary and Secondary Curriculum and Instruction Items:

Motion to approve 2022-23 and 2023-24 Academic Calendars as presented. This motion, made by Ben Frerichs and seconded by Amy McGovern, Carried.

Superintendent Items:

Motion to approve makeup day for students and staff for January 21, 2022. This motion, made by Tanya Gray and seconded by Ben Frerichs. Voting Nay: Gray, Melendez, McGovern. Failed.

Superintendent Mr. Case presented several possible funding sources on the federal, state and local levels that are being explored to fund the new facilities needed for the future anticipated growth in student enrollment. Based on data from the Department of Defense and the City of Box Elder, it is anticipated that DSD enrollment will nearly double over the next 5-7 years. An estimated \$181 million will fund one of three new PK-5 elementary schools and a new high school. Funding will need to come from multiple sources for that amount. Funding needs to be secured before construction can begin on any facility.

Operational Support Services Items:

Motion to approve first reading of revised Board Policy ACAA, ACAA-R, ACAA-E1-3 - Sexual Harassment (Items 11A-E) as one motion. This motion, made by Ben Frerichs and seconded by Amy McGovern, Carried.

Motion to approve first reading of both revised Board Policy JEAA - Student Alternative Instruction and Exhibit JEAA-E - Notification for Public School Exemption (removal). This motion, made by Tanya Gray and seconded by Chris Misselt, Carried.

Motion to approve first reading of revised Board Policy INDA - Patriotic Exercises / Flag Displays / Organizations. This motion, made by Chris Misselt and seconded by Ben Frerichs, Carried.

Motion to approve revisions to Board Policy JFB - Education of Homeless Children. This motion, made by Chris Misselt and seconded by Ben Frerichs, Carried.

Motion to approve School Resource Officer job description as presented. This motion, made by Tanya Gray and seconded by Ben Frerichs, Carried.

Reports:

Mr. Case shared South Dakota district data for similarly sized districts like Douglas. Reviewing data from other districts gives a better understanding of Douglas in relation to the other districts on specific data points. Data points included attendance rate, number of special needs students, lunch status, dropout rate, cost per student, student/staff ratio, average teacher salary, number of graduates, ACT data, ethnicity.

Committee Reports from Board Members.

Ben Frerichs commented on the recent Elementary Building Design meetings with the architects, DLR Groups and DSD staff. The next meeting is this week on Wednesday.

Tanya Gray attended the LAN (Legislative Action Network) training on January 19. It was informative about how to contact legislators regarding educational issues coming up in the legislative session. She will be in contact with all board members if any LAN alerts are posted.

Cathy Melendez reported on upcoming events with the Box Elder Area Chamber of Commerce: Princess Ball and providing community information for the State Robotics Tournament in February.

Motion to adjourn the meeting at 7:24 pm. This motion, made by Chris Misselt and seconded by Amy McGovern, Carried.

Cathleen Melendez, President

Trista Olney, Business Manager

_____ Initials

_____ Date

Published once at the total approximate cost of _____.

**DOUGLAS SCHOOL DISTRICT
PERSONNEL ACTION 1/24/2022**

Certified Professional Growth Plans

Name	Building	Position
William Velez	MS	Special Education Teacher

Classified Service Factor Bonus

Name	Position/Years	Amount	Dates of Service
Robyn Heintz	Food Service Worker/30 Years	\$1,606.13	02/25/1992-02/25/2022
Peter Lawler	Custodian/35 Years	\$4,460.04	02/23/1987-02/23/2022
Laurie Prpich	Special Ed Secretary/20 Years	\$1,343.41	02/19/2002-02/19/2022

Classified Anniversary Increases

Name	Position/Step	Hourly Wage	Effective Date
Leandra Arthur	Bookkeeper 1/7	\$21.95	6/14/2022
Livvy Bright	Special Education Aide/2	\$14.40	2/1/2022
Shawn Connor	Custodian/3	\$15.70	3/27/2022
Andrew Galvan	Custodian/2	\$15.05	6/29/2022
Denea Hinzman	Food Service Worker/3	\$13.90	02/25/2022
Traci Knight	Food Service Secretary/4	\$15.75	02/29/2022
Kara Kveene	Registered Nurse/2	\$29.35	03/22/2022
Brandon Porubensky	Custodian/3	\$15.70	03/04/2022
Laura Savage	Bus Driver/3	\$17.82	03/28/2022
AnnDee Schmidt	Principals Secretary/7	\$19.30	04/17/2022
Timothy Smith	Custodian/5	\$17.25	05/24/2022
Shizuka Tinkham	Food Service Worker/2	\$13.30	03/08/2022
Megumi Woroniecki	Food Service Worker/2	\$13.30	03/10/2022

Classified Resignations/Retirements/Terminations

Name	Position	Location	Effective Date
Lacy Puhlman	Computer Aide	Patriot Elementary (BC/FC)	1/21/2022

Classified Voluntary Transfer Request

Name	From Bldg/Position/Hrs	To Bldg/Position/Hrs	Effective Date
Cassie Taylor	MS/Food Service Worker 4.25 hrs/day	MS/Food Service Worker 7.50 hrs/day	01/10/2022

Temporary Hires

Name	Position	Salary	Effective Date
Jace Caldwell	MS 6th Grade Intramural Basketball Coach - 1 Year Only	\$995.00 per yr	1/12/2022

Substitute Hires

Name	Substitute Teacher	Substitute Classified	Effective Date
Marleah McClain	\$105.00/day	95% of Step 1	1/7/2022

** Personnel Action additions and updates made after intial publication and before scheduled school board meeting.

December 1, 2021 FINANCIAL	GENERAL FUND	CAPITAL OUTLAY	SPECIAL EDUCATION
BALANCE 11/ 30/ 21	\$1,328,916.69	\$2,357,490.16	\$2,351,133.19
RECEIPTS:			
TAXES	\$109,556.10	\$68,019.48	\$43,056.30
TUITION			
INTEREST	\$9.19		
ADMISSIONS	\$1,888.00		
LOCAL	\$128.24	\$74.19	
COUNTY	\$5,433.72		
STATE	\$978,005.00		\$124,456.00
FEDERAL			
OTHER	\$380.00		
INTERFUND TRAN.	\$38.44		
LOANS			
TOTAL RECEIPTS:	\$1,095,438.69	\$68,093.67	\$167,512.30
DISBURSEMENTS:			
VERIFIED CLAIMS	\$83,207.10	\$411,233.67	\$867.29
SALARIES	\$1,539,037.95	\$0.00	\$307,083.56
TRANSFERS OUT			
BALANCE 12/31/21	\$802,110.33	\$2,014,350.16	\$2,210,694.64
BALANCE 12/ 31/ 20	1,520,920.82	2,776,922.53	2,167,585.98

December 1, 2021 FINANCIAL	FEDERAL PROJECTS	UNEMPLOY- MENT FUND
BALANCE 11/ 30/ 21	(\$968,283.87)	\$50,891.56
RECEIPTS:		
TAXES		
INTEREST		
LOCAL		
STATE		
FEDERAL		
PREMIUMS		
REIMBURSEMENTS		
OTHER (LOCAL) -AFROTC		
INTERFUND TRAN.		
OTHER (LOCAL) -LIBRARY		
TRANSFER IN		
TOTAL RECEIPTS:	\$0.00	\$0.00
DISBURSEMENTS:		
VERIFIED CLAIMS	\$63,678.88	\$0.00
SALARIES	\$90,267.05	\$0.00
TRANSFERS OUT		
EXPENDITURES		
BALANCE 12/31/21	(\$1,122,229.80)	\$50,891.56
BALANCE 12/ 31/ 20	(935,664.29)	57,302.20

December 1, 2021 FINANCIAL	DEP CARE	ENTERPRISE	IMPACT AID
BALANCE 11/ 30/ 21	\$528.40	\$4,714.21	\$22,753,419.54
RECEIPTS:			
INTEREST			\$38.44
TUITION			
STATE			
FEDERAL			
LOCAL	\$291.68		
OTHER			
INTERFUND TRAN.			
LOANS			
PREMIUMS			
TOTAL RECEIPTS:	\$291.68	\$0.00	\$38.44
DISBURSEMENTS:			
VERIFIED CLAIMS	\$310.00	\$0.00	\$0.00
SALARIES	\$0.00	\$0.00	\$0.00
EXPENDITURES/ TRANSFERS OUT			\$38.44
BALANCE 12/31/21	\$510.08	\$4,714.21	\$22,753,419.54
BALANCE 12/ 31/ 20	374.93	(23,997.55)	20,588,973.65

December 1, 2021 FINANCIAL	FOOD SERVICE	FIDUCIARY FUNDS	MEDICAL REIMB-125
BALANCE 11/ 30/ 21	\$171,721.12	\$202,787.24	(\$2,009.06)
RECEIPTS:			
INTEREST			
SALES	\$9,217.35		
STATE			
FEDERAL	\$148,192.40		
LOCAL	\$812.60	\$35,621.38	\$1,986.24
OTHER			
INTERFUND TRAN.			
LOANS			
TOTAL RECEIPTS:	\$158,222.35	\$35,621.38	\$1,986.24
DISBURSEMENTS:			
VERIFIED CLAIMS	\$79,712.40	\$52,837.72	\$1,166.78
SALARIES	\$23,395.11	\$65.68	\$0.00
BALANCE 12/31/21	\$226,835.96	\$185,505.22	(\$1,189.60)
BALANCE 12/ 31/ 20	193,861.42	180,091.83	2,942.70

Board Report - For School Board 01/28/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
ADMINPARTNERS	180125		100.00
AMAZON.COM	180126		650.96
AMERICAN AIRLINES	180110		298.40
AMICK SOUND INC	180127		172.71
BATTERIES PLUS BULBS #934	180128		245.10
BELLE FOURCHE HIGH SCHOOL	180129		175.00
BLACK HILLS ENERGY	180130		34,709.32
BORDER STATES ELECTRIC INC	180131		1,358.54
BRIGHTFINGERS INC	180110		68.95
CASH - CO	180133		984.00
CENTURYLINK	180134		89.95
CHAMBERLAIN HIGH SCHOOL	180135		125.00
CHRIS SUPPLY. INC.	180136		489.76
CLARK PRINTING. INC.	180137		588.90
CRICUT	180110		100.81
DAKOTA BUS SERVICE. INC.	180138		5,372.00
DAKOTA EQUIPMENT RENTAL	180139		122.28
DAUGHERTY. DALE	180140		962.00
DEMCO. INC	180141		171.24
DEPARTMENT OF REVENUE	180142		15.00
E-RATE EDUCATIONAL SERVICES LLC	180143		2,000.00
EVERGREEN OFFICE PRODUCTS	180144		389.40
FIDUCIARY ACCOUNT	180145		129.75
FOOD SERVICE	180146		37.26
FRERICHS. BENJAMIN	180147		160.90
GRAINGER. W.W.. INC.	180148		317.78
GRAY. TANYA	180149		186.10
HARVEYS LOCK SHOP. INC.	180150		48.00
HATFIELD. NAOMI	180151		216.00
HAUFF MID-AMERICA SPORTS INC.	180152		1,479.90
HOT SPRINGS HOTEL AND SPA	180153		886.00
INNOVATIVE OFFICE SOLUTIONS	180154		599.82
INTERSTATE BATTERIES	180155		140.75
K-LOG. INC.	180158		526.57
KETEL. THORSTENSON. LLP	180157		816.80

Board Report - For School Board 01/28/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
KNIGHTS QUALITY WELDING	180159		810.00
LOVE AND LOGIC INSTITUTE. INC.	180110		175.00
LYNN JACKSON SHULTZ & LEBRUN PC INC	180160		1,808.00
MCGOVERN. AMY	180161		176.86
MELENDEZ. CATHLEEN	180162		212.74
MENARDS	180163		651.03
MIDCONTINENT COMMUNICATIONS	180164		1,454.75
MOUNT VERNON HIGH SCHOOL DEBATE	180165		900.00
MUSIC THEATRE INTERNATIONAL	180166		780.00
NAFIS	180110		1,400.00
NORTHWEST PIPE FITTINGS. INC.	180167		249.06
PERMABOUND BOOKS	180168		346.05
PIERRE SCHOOL DISTRICT	180169		50.00
PRAIRIE EDGE INC	180170		324.28
RAPID CITY WINDOW & GLASS. INC.	180171		920.78
RIVERSIDE TECHNOLOGIES INC	180172		3,252.00
SCHOOL SPECIALTY INC.	180173		817.87
SDTEA	180175		300.00
SOUTH DAKOTA ONE CALL	180176		76.65
SPECIALTY INSTALLATION LLC	180177		2,037.00
TERRA SANCTA RETREAT CENTER	180178		937.00
TRANSOURCE	180179		1,850.00
TRUE VALUE	180180		440.40
WAL-MART STORES INC	180110		99.67
WESTERN MICROSCOPE LLC	180182		700.00
WRESTLING CLUB	180183		1,105.00
GENERAL FUND			<hr/> 76,609.09
CAPSTONE PRESS	180132		41.48
HAUFF MID-AMERICA SPORTS INC.	180152		2,530.10
INNOVATIVE OFFICE SOLUTIONS	180154		15,853.99
JOHNSON CONTROLS INC	180156		5,957.08
WEST MUSIC CO	180181		129.99
CAPITAL OUTLAY			<hr/> 24,512.64
MENARDS	180163		678.74
WAL-MART STORES INC	180110		35.00
SPECIAL ED			<hr/> 713.74

Board Report - For School Board 01/28/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
CASH - CO	180133		360.00
TAXI CHARGES	180110		2,236.05
UNITED AIR LINES	180110		5,661.60
GRANTS			<u>8,257.65</u>
			110,093.12
CASH-WA DISTRIBUTING COMPANY, INC.	11652		3,764.21
CASH-WA DISTRIBUTING COMPANY, INC.	11653		1,150.96
COCA-COLA BOTTLING CO HIGH COUNTRY	11654		379.50
DAKOTA WAREHOUSE	11655		24.00
DIGI INTERNATIONAL INC	11656		400.00
DOMINOS PIZZA- BOX ELDER	11657		728.00
PAN-O-GOLD BAKING COMPANY, INC.	11658		1,083.56
PRAIRIE FARMS	11659		4,496.07
REINHART FOOD SERVICE LLC	11660		5,885.48
SERVALL TOWEL & LINEN SUPPLY, INC.	11661		156.53
FOOD SERVICE			<u>18,068.31</u>
			18,068.31
Grand Total:			<u>128,161.43</u>

DOUGLAS SCHOOL DISTRICT				
PERSONNEL ACTION 2/14/2022				
Employee Leave of Absence Requests				
	Name	Building/Position	Dates	
	Kayla Long	TECH/Help Desk Support	03/16/2022-04/29/2022	
	Demita Thompson	VES/Lunchroom Supervisor	01/10/2022-03/31/2022	
Certified Professional Growth Plans				
	Name	Building	Position	
	Corey Hyde	VES	5th Grade	
Certified Resignations/Retirements/Terminations				
	Name	Position	Location	Effective Date
	Anthony Burns	Science	HS	05/27/2022
Classified Resignations/Retirements/Terminations				
	Name	Position	Location	Effective Date
	Linnea Bulyca	Lunchroom Supervisor	PAT ELEM (FC)	01/21/2022
	Todd Gartner	Night Custodian	PAT ELEM (BC/CARR)	03/07/2022
	Robyn Heintz	Food Service Worker	HS	05/27/2022
	Miranda Mabry	Food Service Worker	PAT ELEM (FC)	02/22/2022
	Brenda McDaniel	Lunchroom Supervisor	PAT ELEM (BC)	01/14/2022
	Sandra Meier	Breakfast Lunchroom Supervisor	PAT ELEM (FC)	02/07/2022
	Jennifer Strouse	Food Service Worker	PAT ELEM (FC)	02/21/2022
	Jeffery Wilson	7th Grade Head Football Coach	MS	02/11/2022
Classified Voluntary Transfer Request				
	Name	From Bldg/Position/Hrs	To Bldg/Position/Hrs	Effective Date
	Angela Messmer	MS/Cook/8 hrs per day	FC/Food Service Worker/6.50 hrs per day	02/22/2022
	Tina Gomes	FC/Food Service Worker/4 hrs per day	FC/Food Service Worker/6.50 hrs per day	02/22/2022
Classified Staff Hiring				
	Name	Position	Location	Effective Date
	Lauryn Mobley	Computer Aide	PAT ELEM (FC/BC)	01/31/2022
	Jordan Patterson	Breakfast/Lunchroom Aide	PAT ELEM (FC)	01/18/2022
Temporary Hires				
	Name	Position	Salary	Effective Date
	Cathy Baragar	MS Assistant Track Coach - 1 Year Only	\$2470.00 per yr	03/14/2022

	Kendra Barrett	MS Assistant Spring Drama Coach - 1 Year Only	\$1580.00 per yr	01/12/2022
	Jason Boeding	MS Assistant Track Coach - 1 Year Only	\$1969.00 per yr	03/14/2022
	Amanda Campbell	HS Assistant Track Coach - 1 Year Only	\$2037.00 per yr	02/01/2022
	Eric Elder	MS Head Track Coach - 1 Year Only	\$2818.00 per yr	03/14/2022
	Rene Emme	HS Homebound	\$52.40 per hr	08/01/2021
	Rachel Quimby	MS Assistant Track Coach - 1 Year Only	\$2174.00 per yr	03/14/2022
	Matthew Vidal	MS Head Spring Drama Coach - 1 Year Only	\$2575.00 per yr	01/12/2022
	Shae Weber	MS Assistant Track Coach - 1 Year Only	\$1969.00 per yr	03/14/2022

Substitute Hires

	Name	Substitute Teacher	Substitute Classified	Effective Date
	Kristin Bellamy	\$105.00/day	95% of Step 1	01/20/2022
	Aarika Blair	\$105.00/day	95% of Step 1	01/20/2022
	Emaleigh Gleason	\$105.00/day	95% of Step 1	01/20/2022
	David Hartman	\$105.00/day	95% of Step 1	01/10/2022
	Robert Hughes	\$105.00/day	95% of Step 1	01/11/2022
	Lindsay Lowery	\$105.00/day	95% of Step 1	01/20/2022
	Miranda Mabry	\$105.00/day	95% of Step 1	02/23/2022
	Nathan Udell	\$105.00/day	95% of Step 1	01/27/2022
	Eric Vetch	\$105.00/day	95% of Step 1	01/20/2022

** Personnel Action additions and updates made after initial publication and before scheduled school board meeting.

Board Report - For School Board 02/15/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
AASA REGISTRATION	180188		145.00
AMAZON.COM	180189		2,009.04
AMERICAN AIRLINES	180188		60.00
AMERICINN OF CHAMBERLAIN	180190		924.00
AMICK SOUND INC	180191		251.08
AUTOMATIC BUILDING CONTROLS INC	180192		2,655.00
BEST WESTERN RAMKOTA- PIERRE	180193		589.00
BJ'S INSTRUMENT REPAIR	180195		170.00
BLACK HILLS URGENT CARE	180196		190.00
CAROLINA BIOLOGICAL SUPPLY COMPANY	180197		42.11
CARQUEST AUTO PARTS	180198		368.52
CBH COOPERATIVE	180199		15.00
CENTURY BUSINESS	180200		99.00
CENTURYLINK	180201		446.70
CHRIS SUPPLY. INC.	180202		140.74
CITY OF BOX ELDER/PUBLIC WORKS DEPT	180203		3,342.32
CLASS SOLVER LLC	180204		513.00
CLIMATE CONTROL SYSTEMS AND SERVICE	180205		1,897.90
CLUBHOUSE HOTEL & SUITES	180206		336.64
CORE & MAIN	180208		290.02
CROSSROADS HOTEL	180209		351.96
DAKOTA BUS SERVICE. INC.	180210		5,896.00
DAKOTA SUPPLY GROUP. INC.	180211		504.78
DALE'S TIRE & RETREADING. INC.	180212		521.28
DHS BASKETBALL	180213		252.00
DROPBOX	180188		199.00
ENVIRONMENTAL PRODUCTS CO	180214		199.28
EVERGREEN OFFICE PRODUCTS	180215		666.98
FIDUCIARY ACCOUNT	180216		8,858.69
FLOYD'S TRUCK CENTER	180217		1,385.11
FOLLETT SCHOOL SOLUTIONS. INC	180220		10,794.00
GRAINGER. W.W.. INC.	180221		2,715.01
HAMPTON INN	180223		201.00
HARLOW'S BUS SALES. INC.	180224		803.46
HILL CITY HIGH SCHOOL	180226		175.00

Board Report - For School Board 02/15/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
HILLYARD INC	180227		4,611.27
HOBBY LOBBY CREATIVE CENTER	180188		205.33
INTERSTATE BATTERIES	180229		135.00
JOANN FABRIC	180188		19.95
JOSTENS INC	180231		3,005.29
JW PEPPER & SONS. INC.	180232		162.89
KIEFFER SANITATION. INC.	180233		1,837.72
KILOWATT ELECTRIC INC.	180234		1,881.00
MENARDS	180235		207.19
MG OIL COMPANY. INC.	180236		11,626.79
MICHAELS STORE 9012	180188		35.96
MID-AMERICAN RESEARCH CHEMICAL	180238		301.24
MIDWEST BUS PARTS. INC.	180239		447.70
MIDWEST CONNECT	180240		123.00
MIDWEST TECHNOLOGY PRODUCTS	180241		402.90
MILLER. TRAVIS	180242		225.00
MINCKS. RONALD	180243		3,796.35
MONTANA DAKOTA UTILITIES COMPANY. INC.	180244		24,084.30
MUSICIAN'S FRIEND INC.	180188		305.57
NATRONA HIGH SCHOOL	180246		484.00
NORTH CENTRAL BUS & EQUIPMENT CO. INC	180247		124.10
NORTH CENTRAL INTERNATIONAL INC	180248		2,698.75
NORTHERN TRUCK EQUIPMENT CORP.	180249		316.80
NORTHWEST PIPE FITTINGS. INC.	180250		732.99
PENNINGTON COUNTY SHERIFF	180251		9,438.50
PLOOSTER. KEVIN	180252		320.00
QUADIENT	180253		182.85
RAPID CITY CENTRAL	180254		480.00
RAPID CITY JOURNAL	180255		394.70
RAPID CITY REGIONAL AIRPORT	180188		64.00
REGION 8 MUSIC CONTEST	180256		240.00
RIVERSIDE TECHNOLOGIES INC	180257		6,184.00
ROBOTICS EDUCATION & COMPETITION	180258		135.00
SAM'S CLUB	44		257.68
SASD	180259		80.00

Board Report - For School Board 02/15/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
SCHOOL NURSE SUPPLY	180260		335.16
SCHOOL OUTFITTERS	180261		209.99
SCHOOL SPECIALTY INC.	180262		1,135.74
SD FEDERAL PROPERTY AGENCY	180263		55.50
SD STATE ELECTRICAL COMMISSION	180264		80.00
STUDENT TRANSPORT	180266		3,000.00
STURDEVANTS AUTO PARTS	180267		125.00
SUMMIT COMPANIES	180268		233.00
SWEETWATER SOUND INC	180269		1,559.50
TIE	180270		5,900.00
TRANSOURCE	180272		1,850.00
TRUE VALUE	180188		262.65
US BANK	180188		12.40
VANWAY TROPHY & AWARD. INC.	180274		356.55
VERIZON WIRELESS	180275		995.05
VOYAGER FLEET SYSTEMS. INC.	180276		340.80
WAL-MART STORES INC	44		334.64
WALL HIGH SCHOOL	180278		100.00
WEBSTAIRANT STORE	180188		396.73
WEST RIVER ELECTRIC	180279		1,965.39
WESTERN COMMUNICATIONS. INC.	180280		768.00
WHISLER BEARING COMPANY	180281		87.72
YANKTON HIGH SCHOOL	180282		125.00
GENERAL FUND			<hr/> 143,785.26
CENTURY BUSINESS	180200		13,662.11
CO-OP ARCHITECTURE	180207		451,500.00
FIDUCIARY ACCOUNT	180216		9.07
FIRST AMERICAN TITLE COMPANY OF SOUTH	12822		245,055.00
FLYLEAF PUBLISHING	180218		1,882.18
FMG ENGINEERING	180219		2,490.00
HALF-PINT KIDS. INC.	180222		1,582.02
HIGH NOON BOOKS	180225		165.00
SCHOOL SPECIALTY INC.	180262		968.24
VOYAGER SOPRIS LEARNING INC	180277		149.13
CAPITAL OUTLAY			<hr/> 717,462.75
BJOREM SPEECH PUBLICATIONS LLC	180194		183.50

Board Report - For School Board 02/15/2022

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
COUNCIL FOR EXCEPTIONAL CHILDREN	180188		245.00
HAMPTON INN	180223		100.50
MICROSONIC	180237		44.50
TIMMONS MARKET	180271		45.53
SPECIAL ED			<hr/> 619.03
WEBSTAIRANT STORE	180188		3,843.11
FOOD SERVICE			<hr/> 3,843.11
CLIMATE CONTROL SYSTEMS AND SERVICE	180205		7,345.92
EVERGREEN OFFICE PRODUCTS	180215		95.00
FIDUCIARY ACCOUNT	180216		2,210.00
HILLYARD INC	180227		1,236.60
INNOVATIVE OFFICE SOLUTIONS	180228		16,157.76
JEFFERSON COUNTY PUBLIC SCHOOLS	180230		7,200.00
NATIONAL STUDENT CLEARING HOUSE	180245		595.00
PENNINGTON COUNTY SHERIFF	180251		39,941.00
RIVERSIDE TECHNOLOGIES INC	180257		4,000.00
SIGNS NOW	180265		1,653.83
VANWAY TROPHY & AWARD. INC.	180274		35.65
YMCA	180283		9,250.00
GRANTS			<hr/> 89,720.76
			<hr/> 955,430.91
AMAZON.COM	11663		364.47
CASH-WA DISTRIBUTING COMPANY. INC.	11664		1,728.97
CASH-WA DISTRIBUTING COMPANY. INC.	11665		10,709.91
COCA-COLA BOTTLING CO HIGH COUNTRY	11666		378.00
DAKOTA WAREHOUSE	11667		167.80
DOMINOS PIZZA- BOX ELDER	11668		910.00
FIDUCIARY ACCOUNT	11670		1,060.00
GENERAL FUND	11671		33,158.10
PAN-O-GOLD BAKING COMPANY. INC.	11672		269.96
PRAIRIE FARMS	11673		2,988.22
REINHART FOOD SERVICE LLC	11674		21,713.67
SERVALL TOWEL & LINEN SUPPLY. INC.	11675		157.02
FOOD SERVICE			<hr/> 73,606.12
			<hr/> 73,606.12
Grand Total:			<hr/> 1,029,037.03

PAYROLL EXPENDITURES

JANUARY 7, 2022

JANUARY 21, 2022

TOTALS

\$1,031,845.09

\$951,043.07

**UNCOLLECTIBLE ACCOUNTS RECEIVABLES
SCHOOL BOARD TO CONSIDER REMOVAL FROM BOOKS**

<u>Invoice No.</u>	<u>Description</u>	<u>Amount</u>	<u>Reason for Removal</u>
AR17-07	Keyboard Damage	\$100.00	Charges to student for damages were never paid (2017)
AR17-08	Computer Charger Replacement	\$50.00	Charges to student for damages were never paid (2017)
AR17-09	Computer Display Panel	\$305.00	Charges to student for damages were never paid (2017)
AR17-23	Computer CD Replacement	\$117.00	Charges to student for damages were never paid (2017)
AR17-25	Computer front & back Replacement Rpr	\$230.00	Charges to student for damages were never paid (2017)
AR17-27	Computer Keyboard Replacement	\$38.00	Charges to student for damages were never paid (2017)
AR17-28	Computer Keyboard Replacement	\$38.00	Charges to student for damages were never paid (2017)
AR17-32	Power supply replacement	\$50.00	Charges to student for damages were never paid (2017)
AR 19-05	Dmgd Door at DHS	\$775.00	Charges to student for damages were never paid. Moved out of state in 2019. No longer in area.
AR 19-24	NSF Ck for Latch Key Tuition	\$355.00	Charges for tuition were never paid. We stopped providing service. Moved out of state.
AR 20-04	Keffler Sub Reimbursement	\$197.36	Company did not reimburse for a sub/ COVID end of year - unresponsive business.
AR 20-05	VES Building Use	\$180.00	COVID shut down buildings prior to Building use.
		\$2,435.36	

January 19, 2022

To: Douglas School District Board of Education (Ms. Cathy Melendez, President)

Douglas School District Superintendent (Mr. Kevin Case)

From: Douglas Education Association (Ms. Summer Hager, DEA President)

Dear Ms. Melendez and Mr. Case,

In compliance with the Negotiated Agreement of Douglas School District 51-1, the Douglas Education Association respectfully informs the Douglas School Board of its intentions to enter into contract negotiations for the 2022-2023 contract year.

Thank you for the 2021-2022 contract year and we look forward to meeting with you.

Sincerely,



Summer Hager

President

Douglas Education Association



SECTION	B	TITLE	Board Governance and Operations	FILE	BD
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School Board Meetings

REGULAR MEETINGS

Unless otherwise designated at the annual organizational meeting of the Board, all regular School Board meetings will be held on the second and fourth Mondays of each month, except for December and July when only the first meeting of the month is held. If it is determined, there is a scheduling conflict during the school year, the schedule can be changed with majority of board members' approval. Public notification will be sent out as soon as possible thereafter.

The official meetings of the school board are open to the public unless a specific law is cited by the school board to close the official meeting to the public. An official meeting is any meeting of a quorum of the school board at which official business of the school district is discussed or decided, or public policy is formulated, whether in person or by means of a teleconference.

Subject to the following rules, any person may record, through audio or video technology, a school board meeting that is open to the public as long as the recording is reasonable, obvious, and not disruptive.

1. A person who wishes to audio or video record some or all of an official school board meeting must inform the school board president/chairperson or superintendent prior to the beginning of the meeting of the person's intent to record. At the beginning of the meeting, the school board president will then inform all persons present of the recording.
2. The quantity and type of recording equipment used shall be subject to the discretion of the school board, and the school board president/chairperson shall have the discretion to exclude or terminate recording of the meeting. This discretion is not to be exercised in an effort to restrict the public's right to be informed of school board meeting proceedings, but only where these rules have been violated.
3. Recording equipment must not produce distracting light or noise, and no artificial lighting device of any kind shall be employed with a video camera.
4. Recording equipment must not obstruct the vision of persons attending the school board meeting and their ability to see all school board members.
5. Any person violating the rules set forth above may be directed to cease the recording or leave the premises.

The School Board shall reserve at every regularly scheduled official meeting a period for public comment, limited at the Board's discretion, but not so limited as to provide for no public comment.

SPECIAL MEETINGS

Special meetings may be called by the President of the Board, or in his / her absence the Vice-President, or a majority of the Board members. Notice stating the time and place of any special meeting and the purpose for its call, will be given to each Board member and the Superintendent by the Business Manager, either orally or in writing, in sufficient time to allow each member's presence. No business other than that stated in the notice will be transacted at a special meeting. Local news media that have requested notice will be notified of the special meeting by mail, e-mail, delivered in person or telephone prior to the meeting.

TELECONFERENCE

Any official Meeting, including executive meetings, may be conducted by **teleconference**. ~~telephone conference call~~. A teleconference is an exchange of information by audio, video, or electronic medium, including the internet. ~~A member is shall~~ be deemed present if **the member** they answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference ~~may shall~~ be taken by **voice vote**. ~~roll call~~. **If any member votes in the negative, the vote shall proceed to a roll call vote.** A teleconference may be used to conduct hearings. If the school board conducts an official meeting by teleconference, the school board shall provide a place at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, which has less than a quorum of school board members participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to an executive meeting.

REFERENCES

State Reference:

SDCL 1-25-1	Official meetings open to public
SDCL 1-25-1.1	Notice of meeting
SDCL 1-25-1.5	Teleconference meeting
SDCL 1-25-11	Recording of open official meeting
SDCL 1-25-12	Definitions
SDCL 1-27-1.16	Material relating to open meeting agenda
SDCL 13-8-10	Meetings of board
SDCL 13-32-6	Disturbance of school as misdemeanor
SDCL 22-18-35(3)	Disorderly conduct as misdemeanor
SD UJS Rule 10-9	New Rule regarding expanded media coverage

Cross References:

BDA	Electronic Communication by Board Members
BDB	School Board Study Sessions
BDC	Executive Sessions
BDDA	Notification of School Board Meetings
Bddb	Board Meeting Agendas and Format
BDDC	Agenda Preparation and Dissemination
BDDD	Quorum
BDDE / BDDE-E(1) / BDDE-E(2)	Parliamentary Procedure

BDDF Voting Method
BDDH / BDDH-E(1) / BDDH-E(2) Public Participation at Board Meetings

Adoption History

First Reading	10/27/2014		
Approved	11/17/2014		
First Reading -Revisions	6/30/2016		
Approved	7/14/2016		
First Reading-Revisions	2/14/2022		
Approved			

SECTION	B	TITLE	Board Governance & Operations	FILE	BDC
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Executive Sessions

All official meetings of the school board are open to the public unless SDCL 1-25-2 and the appropriate subdivision of that statute is cited in a motion to close the meeting to the public.

~~It is the Board's belief that educational matters should be discussed and decisions made at public meetings of the Board to fulfill the rationale for the creation of public governing bodies.~~

As permitted by law, the school board may discuss some matters in executive (closed) session.

~~However, some matters are more properly discussed by the Board in private session. As permitted by law, An executive or closed meeting may be held~~ **only** ~~for the sole purposes~~ of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, **or pertaining to matters to which the attorney-client privilege attaches;**
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives; ~~or~~
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business;
- (6) Discussing information related to emergency or disaster response plans or protocols, safety or security audits or reviews as set forth in SDCL 1-27-1.5(8) and SDCL 1-27-1.5(17).**

~~All discussions will be considered confidential, but any official actions concerning such matters discussed will be made only at an open official meeting.~~

An executive or closed **session** ~~meeting~~ **may** ~~shall~~ be held only upon a majority vote of the members of **the Board present** ~~such body present~~ and voting. Discussion during the **executive/closed session** ~~meeting~~ is **limited to the purpose(s) specified in the closure motion(s).** ~~restricted to the purpose specified in the closure motion.~~ **Nothing in state law or this policy prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it.**

All official actions concerning the matters discussed will be made only at an open official meeting.

By the very nature of the matter discussed ~~All that transpires in executive/closed session, the matters discussed shall is to be kept -considered confidential by the Board and individual Board members (and the administration, as agents of the Board) unless and until allowed to be disclosed publicly by the individual(s) to whom the discussion relates or unless and until authorized or required by law. and should not be discussed with anyone unless and until allowed to be disclosed publicly by the individual(s) to whom the discussion relates or unless and until authorized or required by law. If anyone is found guilty of violating confidentiality, it is the responsibility of the Board to discipline the violating member. Anyone who violates these provisions may be guilty of a Class 2 misdemeanor per South Dakota statute.~~

It is therefore the policy of the Board that the Board and Board members shall respect the right of privacy of district employees and students, and neither the Board nor individual Board members shall disclose nor convey confidential information regarding District employees or students, the knowledge of which was acquired during executive / closed sessions unless authorized or required by law to disclose the information.

~~Nothing in this policy may be construed to prevent an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it.~~

~~The Board should not meet in executive session without the Superintendent present unless the session is being held to discuss the Superintendent's contract.~~

~~The minutes of the meeting shall show the time at which the Board goes into executive session and for what purpose and when the Board closed executive session and returned to open session.~~

REFERENCES

State Reference:

SDCL 1-25-1	Official meetings open to the public
SDCL 1-25-1.1	Notice of meetings of public bodies
SDCL 1-25-1.2	Repealed
SDCL 1-25-2	Executive or closed meetings
SDCL 1-25-3	
SDCL 1-25-11	Recording of meeting permitted
SDCL 1-25-12	Definitions
SDCL 1-27-1.5(17)	Emergency or disaster response plans
SDCL 1-27-1.5(8)	Information pertaining to the protection of persons or property
SDCL 19-19-502	Lawyer-client privilege

Cross References:

BD	School Board Meetings
BDA	Electronic Communication by Board Members

Adoption History

First Reading	4/23/1989		
Approved	5/8/1989		
First Reading-Revision	4/23/2007		
Approved	5/14/2007		
First Reading-Revision	10/27/2014		
Approved	11/17/2014		
First Reading-Revision	2/14/2022		
Approved			

**REVISED
DOUGLAS SCHOOL DISTRICT
Board Policy**

SECTION	G	TITLE	Personnel	FILE	GCPBA
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Resignation of Administrators / Directors

If an administrator/director intends to resign from his/her position, notice must be given to the Board at the time of contract renewal. Should an administrator/director resign at a time other than that of contract renewal, Board approval will be required to dissolve the contract.

Beginning with the 2016-17 school year, the professional staff member may be required to pay liquidation damages in the amount of **\$1,000 \$500** after June 1; **\$2,000 \$1,000** after July 1; **\$3,000 after July 15; and 5% of contract \$1,500** after August 1; and **\$3,000 after September 1**. **Superintendent's liquidation damage amount to be established upon annual contract renewal.**

REFERENCES

State Reference:

Federal Reference:

Adoption History

First Reading	2/13/2017		
Approved	2/27/2017		
First Reading-Revision	2/14/2022		
Approved			

**NEW
DOUGLAS SCHOOL DISTRICT
Regulation**

SECTION	J	TITLE	Students	FILE	JFB-R
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Dispute Resolution Process

The McKinney-Vento Homeless Assistance Act guarantees rights and services to remove educational barriers for homeless children and youth. The District has developed a dispute resolution process for when parents, guardians, or unaccompanied youth and schools, disagree on the eligibility, enrollment, or educational placement of homeless children and youth. The designated District Homeless Liaison is responsible for carrying out the dispute resolution process in an expeditious manner.

The District will provide a written explanation of the decision to the parent or, in the case of an unaccompanied youth, to the unaccompanied youth. The written explanation must include a description of the parent’s or unaccompanied youth’s right to appeal the decision. When a dispute arises over eligibility, enrollment, or school selection, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.

Should a dispute occur regarding eligibility, enrollment, or school selection of a homeless child or youth, the following process must be used:

- Level 1: If a parent or unaccompanied youth wishes to appeal a District Homeless Liaison’s decision related to a student’s eligibility, enrollment, or educational placement, the case is appealed to the District Superintendent or the Superintendent’s designee (who may not be the District Homeless Liaison).
- Level 2: If the appeal is unresolved, the case is appealed to the School Board.
- Level 3: If the appeal continues to be unresolved, the case is appealed to the McKinney-Vento State Coordinator.

Every effort should be made to resolve the complaint or dispute at the local level before it is brought to the South Dakota Department of Education.

Initiation of the Dispute Resolution Process: If a parent or unaccompanied youth wishes to appeal the District Homeless Liaison’s decision related to a student’s eligibility, enrollment, or educational placement:

1. The parent or unaccompanied youth must file a request for dispute resolution with the District Homeless Liaison by:
 - a. submitting a form that initiates the dispute resolution process;
 - b. the request for dispute resolution must be submitted by the parent or the unaccompanied youth to the District Homeless Liaison within fourteen (14) calendar days of receiving notification that the District intends to enroll the student in a school other than the one requested by the family or the unaccompanied youth;
2. The District’s Homeless Liaison must log their receipt of the appeal, including the date and time, with a written description of the situation and the reason for the dispute, and a copy of the complaint must

be forwarded to the District Superintendent within seven (7) calendar days of receipt of the notice of appeal.

Level 1: Appeal to the Superintendent: The following procedure shall be used to address an appeal of the District's Homeless Liaison's decision:

1. The appeal shall be in writing using Exhibit JFB-E(1).
2. Upon receipt of an appeal, the Superintendent will, within fourteen (14) calendar days, meet and discuss the matter with the appealing party and the District's Homeless Liaison.
3. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the ASBSD Sample Policies Associated School Boards of South Dakota Printed: 01/31/2022 12:41 PM1 Superintendent may be extended by the Superintendent for good cause.
4. The Superintendent may uphold, reverse or modify the Liaison's decision. The Superintendent may also refer the matter back to the Liaison for further investigation. The Liaison may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Liaison, and the Liaison rendered a second decision, that decision may also be appealed to the Superintendent.
5. The Superintendent's decision may be appealed to the School Board within fourteen (14) calendar days of receipt of the Superintendent's written decision. If the Superintendent does not render a written decision within the required time frame the matter may be appealed to the School Board pursuant to Step 3.

Level 2: Appeal to the School Board: The following procedure shall be used to address an appeal of the Superintendent's decision made in Level 1, or if the Superintendent failed to render a decision in the required time frame:

1. An appeal to the School Board shall be in writing using Exhibit JFB-E(2).
2. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within fourteen (14) calendar days of receipt of the Superintendent's written decision, or within fourteen (14) calendar days of the deadline for the Superintendent's written decision, whichever comes first.
3. Upon receipt of an appeal to the School Board, the School Board shall schedule a date, time and location for the appeal hearing.
4. The following procedure shall be applicable at the appeal hearing before the School Board:
 - a. The School Board shall appoint a school board member or a person who is not an employee of the school district as the Hearing Officer.
 - b. Within thirty (30) calendar days of an appeal being filed with the School Board, the School Board shall conduct a hearing in executive session.
 - c. The appealing party and the Superintendent each have the right to be represented at the hearing.
 - d. The School Board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the Hearing Officer until the appeal process has been completed.
 - e. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified by the School Board; in the absence of a decision by the Superintendent, the School Board will make a decision on the merits of the complaint.
 - f. All parties shall be given the opportunity to make an opening statement.
 - g. Both parties shall have the opportunity to present their case and ask questions of the other's witnesses. The Hearing Officer and school board members may ask questions of any witness.

- h. All witnesses must take an oath or affirmation administered by the School Board President/ Chairperson, Hearing Officer or other person authorized by law to take oaths and affirmations.
- i. The Hearing Officer shall admit all relevant evidence. The Hearing Officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply.
- j. Both parties shall be given the opportunity to make a closing statement.
- k. After the evidentiary hearing, the School Board shall continue to meet in executive session for deliberations. No one other than the Hearing Officer may meet with the Board during deliberations. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
- l. Within twenty (20) calendar days of the hearing, the School Board shall render its decision and issue its 2 written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to the parties.
- m. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will reconvene in open session. The Board may uphold, reverse, or modify the Superintendent’s decision, or render a decision on the merits of the complaint in the absence of a Superintendent’s decision. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion, shall be in writing and approved by the Board. The Complainant, Employee, Principal and Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the School Board.
- n. If the party appealing the Superintendent’s decision to the School Board is dissatisfied with the School Board’s decision, that party may appeal the decision by filing an appeal with the South Dakota Department of Education.

REFERENCES

State Reference:

Federal Reference:

USC Title 42 §11431

McKinney-Vento Homeless Assistance Act -

<https://simbli.eboardsolutions.com/SU/zslsh0BEA6sQz1yTOAKFcl1slshg==>

Cross References:

JECG

[Education Of Students In Foster Care -](#)

Adoption History

First Reading	2/14/2022		
Approved			

REVISED

**DOUGLAS SCHOOL DISTRICT
Board Policy**

Box Elder

South Dakota

SECTION	A	TITLE	Foundations & Basic Commitment	FILE	ACAA
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Sexual Harrassment

I. Policy Statement

The District does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

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

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

Federal law defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Any student who believes that he or she has been or is being subjected to sexual harassment or has reason to suspect another person has been or is being subjected to sexual harassment may also report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing.

The District's response shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with Title IX requirements before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

II. Designation of Title IX Coordinator

The Board has designated the following District employee to coordinate its efforts to comply with its responsibilities as set forth in 34 CFR Part 106, who shall be referred to as the "Title IX Coordinator."

Name or Title: **Executive Director of Operational Support Services**

Office Address: **400 Patriot Drive, Box Elder, SD 57719**

Telephone Number: **605-923-0000**

The District shall notify applicants for employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

III. Dissemination of Policy

The District shall notify persons entitled to the notification under Section I. above that the District does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and this policy not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the U.S. Assistant Secretary of Education, or both.

The District shall prominently display the contact information required to be listed for the Title IX Coordinator on its website, and in each handbook or catalog that it makes available to persons entitled to a notification pursuant to Section I. above.

IV. Adoption of Grievance Procedures

The District has adopted and published grievance procedures (**ACAA-R**), **Sexual Harassment – Administrative Regulation** that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and this policy. The District shall provide to persons entitled to a notification under Section I. above notice of the District's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the District will respond.

V. Definitions (34 CFR § 106.30(a), except when otherwise indicated)

a. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability (when a person has a particular legal relationship to the person who acted negligently) or constructive notice (deeming notice of something to a person having been given, even though actual notice did not exist) is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District.

b. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

c. "Dating violence" means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

- i. the length of the relationship.

- ii. the type of relationship.

- iii. the frequency of interaction between the persons involved in the relationship.

d. "Decision-maker" means the school administrator who has primary responsibility and authority related to students, staff and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the Board, and who has the authority to make a determination on the complaint as to responsibility of the respondent.

e. "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

f. "Education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

g. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District.

h. "Document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.

i. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

j. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

k. “Sexual assault” means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent; or any offense classified as a forcible or non-forcible sex offense under the reporting system of the Federal Bureau of Investigation.

l. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress.

m. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escorting the complainant while on District property or while at a District off campus activity, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

VI. District’s Response to Sexual Harassment

A. General response to sexual harassment. Regardless of whether or not a formal complaint is filed, should the District have actual knowledge of sexual harassment in a District educational program or activity against another person in the United States, the District shall respond promptly in a manner that is not deliberately indifferent (i.e., if the District’s response to sexual harassment is clearly unreasonable in light of the known circumstances).

The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

B. Response to a formal complaint. In response to a formal complaint, the District shall follow the grievance process as set forth in [ACAA-R: Sexual Harassment – Administrative Regulation](#).

C. Time frames. The time frames set forth in the regulations shall be considered as a maximum length of time within which the related step is to be completed, however, the time frames may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party’s advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

D. Emergency removal. Nothing in Title IX regulations or this policy prohibits the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, nothing in Title IX regulations or this policy may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process. However, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

VII. Informal Resolution

A. The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy.

B. The District may not require the parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a formal complaint is filed.

C. At any time prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:

1. provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. obtains the parties' voluntary, written consent to the informal resolution process; and
3. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

VIII. District's Grievance Process for Formal Complaints of Sexual Harassment

A. For the purpose of addressing formal complaints of sexual harassment, the District's grievance procedure as set forth in **ACAA-R, Sexual Harassment – Administrative Regulation**, shall be followed. There must be compliance with the requirements of this section, and any provisions, rules, or practices other than those required by this section that the District adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties.

B. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known:

1. Notice of the District's grievance process, including any informal resolution process
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

C. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the District's education program or activity.

D. The District shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

E. Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, the District:

1. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination, and the parties shall not have either burden;
2. cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student," (i.e., student who has reached 18 years of age), the District must obtain the voluntary, written consent of a "parent," (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian);
3. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
5. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

F. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

G. No individual designated by a recipient as a Title IX Coordinator, investigator, decisionmaker, or any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

H. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

1. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

2. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

3. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.

I. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct.

J. The District's grievance procedure as set forth in [ACAA-R: Sexual Harassment – Administrative Regulation](#), shall:

1. Include reasonably prompt time frames for filing and resolving appeals and informal resolution processes if District offers informal resolution processes;

2. include a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

3. include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility;

4. state that for all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.

5. include the procedures and permissible bases for the complainant and respondent to appeal;

6. describe the range of supportive measures available to complainants and respondents; and

7. not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

K. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Section VIII, subsection B., the District shall provide notice of the additional allegations to the parties whose identities are known.

L. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient

time for the party to prepare to participate.

M. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

N. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

O. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

P. No adversarial hearing shall be held unless the determination of the Superintendent is appealed to the Board, or unless the Superintendent recommends the long term suspension or expulsion of a student, or the suspension without pay or termination of employment of an employee.

Q. The Superintendent may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The Superintendent may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board as set forth in [ACAA-R: Sexual Harassment – Administrative Regulation](#).

IX. Appeal

A. Both parties have the right to appeal to the Board the Superintendent's determination regarding responsibility, and also from a dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. As to all appeals, the Title IX Coordinator shall:

1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy;

4. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. ensure that a written decision is issued describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

X. Consolidation of Formal Complaints

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

XI. Dismissal of a Formal Complaint.

A. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the District’s education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment. However, the dismissal does not preclude action under another provision of the District’s code of conduct.

B. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. the respondent is no longer enrolled in or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

C. Upon a dismissal required or permitted pursuant to subsections A. or B. above, the District shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

XII. Recordkeeping

A. The District shall maintain for a period of seven years records of:

1. each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District’s education program or activity;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website. (If the District does not maintain a website, the District must make these materials available upon request for inspection by members of the public.)

B. For each response required under Section VI, the District shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the

District's education program or activity. If the complainant is not provided with supportive measures, the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

XIII. Retaliation Prohibited

A. Neither the District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

C. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination pursuant to the District's Sexual Harassment Policy - ACAA.

D. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.

E. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited by this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XIV. Confidentiality

A. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

B. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

References	Description	Adoption History	
State Reference:		First Reading	8/28/2000
* <i>Moran v Rapid City Area School District</i>	Employee hearing due process	Approved	9/11/2000
		First Reading - Revision	2/12/2007
Federal Reference		Approved - Revision	2/26/2007
		First Reading - Revisions	5/12/2008
		Approved - Revisions	5/27/2008
CFR Title 34 Part 106	Nondiscrimination on the basis of sex	First Reading	8/25/2014
		Reviewed	9/8/2014

Title IX of the Education Amendments of 1972	Title IX of the Education Amendments of 1972	First Reading Approved - Revisions First Reading - Revision Approved - Revision First Reading - Revision Approved - Revisions First Reading - Update Approved - Update First Reading - Revision Approved - Revision	10/1/2015
USC Title 20 §1092(f)(6)(A)(v)	Definition of Sexual Assault		10/13/2015
USC Title 20 §1681 - 1688	Nondiscrimination on the Basis of Sex in Educational Programs and Activities		8/14/2017
USC Title 34 §12291(a)(8)	Definition of domestic violence		8/28/2017
USC Title 34 §12291(a)(10)	Definition of dating violence		8/13/2018
USC Title 34 §12291(a)(30)	Definition of stalking		8/27/2018
Policy Reference			10/26/2020
JF	Student Rights and Responsibilities		11/9/2020
JFA	Student Due Process Rights		1/24/2022
JFC	Student Conduct		
JFCC	Student Conduct on Buses		
JFCD	Student Bullying		

SECTION	A	TITLE	Foundations & Basic Commitment	FILE	ACAA-R
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Sexual Harrassment

Section 1 - Policy Statement

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

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

The District's policy prohibiting sexual harassment is ACAA. This regulation supplements that policy, and the policy and these regulations are consistent with the federal regulations set forth in 34 CFR Part 106.

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

Complaints based on nondiscrimination in federal programs, complaints not related to sexual harassment, and complaints related to bullying are addressed through other school district policies and not through the policy prohibiting sexual harassment and this regulation.

Section 2 - Definitions

- A. Sexual Harassment. Federal law defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:
 1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexually oriented words and actions which tend to annoy, alarm or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose regardless of the intent of the person accused of the sexually

harassing conduct, constitutes sexual harassment. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other laws, regulations and policies also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

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

- Unwelcome sexual flirtations, advances or propositions;
- Verbal comments, jokes, or abuse of a sexual nature;
- Graphic verbal comments about an individual's body, or his or her appearance;
- Sexually degrading words used to describe an individual;
- Accessing, displaying, or transmitting sexually explicit or pornographic material (including but not limited to images, pictures, videos, objects., etc.) including transmission or display via any medium;
- Physical contact or language of a sexually suggestive nature;
- Any sexually offensive or abusive physical conduct or contact.

B. Other definitions. Other definitions applicable to these Regulations are the definitions as set forth in Policy ACAA: Sexual Harassment, Section V.

Section 3 – Sexual Harassment Reporting Procedure

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Any student who believes that he or she has been or is being subjected to sexual harassment or has reason to suspect another person has been or is being subjected to sexual harassment may also report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing.

The written complaint or Sexual Harassment - Complaint Report Form: ACAA-E(1), must include the following:

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

If the signed written complaint was given to a teacher, guidance counselor or administrator, or if the Sexual Harassment - Complaint Report Form was completed by a teacher, guidance counselor or administrator, the teacher, guidance counselor or administrator shall forward the complaint or Sexual Harassment – Complaint Report Form to the Title IX Coordinator.

Regardless of whether or not a formal complaint is filed, should the District have actual knowledge of sexual harassment in a District educational program or activity against another person in the United States, the District shall respond promptly in a manner that is not deliberately indifferent (i.e., if the District's response to sexual harassment is clearly unreasonable in light of the known circumstances).

Section 4 - Retaliation Prohibited

- A. Neither the District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- B. The prohibition against retaliation related to a sexual harassment complaint is set forth in full in Policy ACAA: Sexual Harassment, Section XIII, and by this reference incorporated herein as if set forth in full.

Section 5 - Procedure for Addressing Sexual Harassment Complaints

A. General Provisions.

- 1. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures (see Policy ACAA: Sexual Harassment, Section V, subsection m. and consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- 2. The timeframes set forth in these regulations shall be considered as a maximum length of time within which the related step is to be completed, however, the time frame may be within which the District is required to complete a step may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party's advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities;
- 3. Nothing in the policy or these regulations prohibit the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, nothing in the policy or regulations may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the policy or regulations prohibits the District from placing an employee respondent on administrative leave during the pendency of a grievance process. However, nothing in the policy or regulations may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

B. Confidentiality.

- 1. The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX (34 CFR part 106), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
- 2. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

C. Informal Resolution.

1. The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy, may not require the parties to participate in an informal resolution process under this policy, and may not offer an informal resolution process unless a formal complaint is filed.
2. Policy ACAA: Sexual Harassment, Section VII, is the section explaining informal resolution and by this reference incorporated herein as if set forth in full.

D. Formal Complaint.

1. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known:
 - a. Notice of the District's grievance process, including any informal resolution process.
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the District's education program or activity.
3. The District shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

E. Investigation of a Formal Complaint.

1. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct. Such a dismissal does not preclude action under another provision of the District's code of conduct.
2. Unless the nature of the complaint and investigation dictate otherwise, the Investigation should be completed within sixty (60) calendar days of receipt of the complaint.
3. When investigating a formal complaint and throughout the grievance process, the District:

- a. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility;
 - b. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - c. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy;
 - d. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Section 5, subsection D.1., the District shall provide notice of the additional allegations to the parties whose identities are known.
 5. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
 6. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
 7. Prior to completion of the investigative report, the District must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District shall make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
 8. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

F. Determination.

1. The decision-maker shall not be the same person as the Title IX Coordinator or investigator(s).
2. After the Investigator has sent the investigative report to the parties, and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All parties shall have ten (10) calendar days from the date the investigatory report was sent to the parties to submit written, relevant questions to the decision-maker, who shall forward the questions to the other party following the ten (10)

period, unless all parties submitted questions prior to the end of the ten (10) day period. In such case, the decision-maker shall forward the questions upon receipt of questions by all parties. All parties shall have (5) calendar days to submit to the decision-maker and the other parties any written responses to the questions.

3. The decision-maker shall have fourteen (14) calendar days, after the expiration of time frame set forth in Section 5, subsection E.8. above, to issue a written determination as to the complaint.
4. The decision-maker shall not conduct an adversarial hearing unless the Board conducts a hearing following an appeal of the Superintendent's decision to the Board, or following the Superintendent's recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled or recommend to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated.
5. Standard of evidence. For all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.
6. Upon recommendation of a decision-maker, on following an appeal of the decision-maker's determination, the Superintendent may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The Superintendent may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board.
7. Disciplinary sanctions. Following any determination of responsibility the District may implement disciplinary sanctions and remedies that include, but are not limited to:
 - a. if a student:
 - i. loss of privileges;
 - ii. detention;
 - iii. in-school suspension;
 - iv. long-term suspension;
 - v. expulsion.
 - b. if an employee:
 - i. written reprimand;
 - ii. written plan of improvement, which may include directive to obtain training related to sexual harassment and the prohibition against sexual harassment;
 - iii. suspension without pay;
 - iv. termination of employment.
 - c. if a guest or vendor:
 - i. restrict access to school property;
 - ii. deny access to school property.
8. The decision-maker must issue a written determination regarding responsibility. To reach this determination, the decision-maker shall apply the preponderance of evidence standard of evidence.
9. The written determination shall include:
 - a. identification of the allegations potentially constituting sexual harassment;
 - b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. findings of fact supporting the determination;
 - d. conclusions regarding the application of the District's code of conduct to the facts;
 - e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
 - f. the District's procedures and permissible bases for the complainant and respondent to appeal.
10. The District shall provide the written determination to the parties simultaneously.

11. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

G. Appeal.

1. Both parties have the right to appeal to the Board the Superintendent's determination regarding responsibility, and from a dismissal of a formal complaint or any allegations therein, on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
2. As to all appeals, the Title IX Coordinator shall:
 - a. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - b. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - c. ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy;
 - d. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - e. ensure that a written decision is issued describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.
3. Appeal to the Superintendent. The following procedure shall be used to address an appeal of the decision-maker's determination to the Superintendent:
 - a. If a party is not satisfied with the decision-maker's determination, or if the decision-maker's determination does not without good cause render a written decision within fourteen (14) calendar days of the expiration of time frame set forth in Section 5, subsection E.8., that party may appeal to the Superintendent by filing form ACAA-E(2), Sexual Harassment - Complaint Appeal to the Superintendent. The appeal must be filed within ten (10) calendar days of receipt of the decision-maker's written decision, or ten (10) days of the deadline for the decision-maker's written decision, whichever comes first. The appealing party must attach the decision-maker's written determination.
 - b. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the decision-maker's decision, or the Superintendent may refer the matter back to the decision-maker for further investigation and supplemental decision which decision may restate, modify or reverse the decision-maker's initial decision. A supplemental decision by the decision-maker after a referral back to the decision-maker may be appealed to the Superintendent.

4. Appeal to the School Board. If a party is not satisfied with the Superintendent's decision, or if the Superintendent does not without good cause render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the School Board by filing with the Business Manager using Form ACAA-E(3), Sexual Harassment – Complaint Appeal to the School Board, within ten (10) calendar days of receipt of the Superintendent's written decision, or ten (10) days of the deadline for the Superintendent's written decision, whichever comes first. The appeal shall be in writing and the appealing party must attach to the appeal the decision-maker's written decision, the appeal to the Superintendent, and the Superintendent's written decision or notice of the Superintendent's failure to render a written decision.

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

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the sexual harassment policy;
2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the Board:
 - A. The Board shall appoint a board member or a person who is not an employee of the school district as the hearing officer;
 - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
 - C. The Complainant, person alleged to have violated the sexual harassment policy, and Superintendent each have the right to be represented at the hearing;
 - D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
 - E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
 - F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;
 - G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;
 - H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
 - I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
 - J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595, 602 (S.D. 1979).

- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;
- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the decision-maker and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
- N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting sexual harassment, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a third person from being on school property or at school activities for such time as may be determined by the Board.
- O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal pursuant to applicable law.

Section 6 - Miscellaneous

- A. Consolidation of formal complaints. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.
- B. Dismissal of Complaint:
 - 1. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. the respondent is no longer enrolled in or employed by the District; or
 - c. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
 - 2. Upon a dismissal required or permitted pursuant to Section 6, subsection B.1. above, the District shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

3. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
4. Both parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Board Approved 11/9/2020

Board Reviewed 2/14/2022

SEXUAL HARASSMENT COMPLAINT REPORT FORM

Date Form Completed: _____

Form Completed by: _____

Person Reporting the Sexual Harassment: _____

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

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

(use additional sheets if necessary).

Date School Employee Completing the Sexual Harassment Report Form

Date Person Reporting the Sexual Harassment

SECTION	J	TITLE	STUDENTS	FILE	JEAA
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Students Alternative Instruction

Children of compulsory school age must regularly attend **school, either public, nonpublic, or alternative instruction.** ~~some public or non-public school, unless excused from school attendance.~~

Notification:

Notification of alternative instruction must be submitted on the South Dakota Department of Education notification form that declares the child will be provided with alternative instruction. The notification may be submitted electronically through the SD Department of Education's online system or by providing the completed paper notification form to the District or the SD Department of Education. If the District receives a completed paper notification form, the District will date and sign or stamp the form acknowledging receipt of the notification and provide a copy to the parent, guardian or other person having control of the child. The District will then provide the completed paper notification form to the SD Department of Education. The notification will be kept confidential.

The alternative instruction notification shall be submitted to the SD Department of Education or the District within thirty (30) days from the first time the child begins an alternative instruction program, enrolls in a public or nonpublic school, or moves to a different school district. Upon filing of a notification with the SD Department of Education or the District from the parent, guardian or other person having control of the child, the South Dakota Department of Education or the District has been notified that the child is being provided with alternative instruction.

Enrollment on Partial Basis:

Upon request from a child's parent or legal guardian, the District will admit a child who is a resident of the District who is being provided alternative instruction to enroll in one or more classes, while receiving alternative instruction for the balance of his or her education. Upon enrollment, the partially enrolled alternative instruction students must comply with the District's rules and procedures and have the same rights and responsibilities as publicly enrolled students.

Open Enrollment:

School board approval is required in order for a nonresident alternative instruction student to be enrolled in the District, in accordance with the District's open enrollment policy.

Note: The Department of Education Form, **Alternative Instruction Notification Public School Exemption Certificate**, can be found on the South Dakota Department of Education website under "Home School".

~~Upon filing of a notification with a school official from the parent or legal guardian of the child because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics, the child shall be excused, without the necessity of school board action. The Secretary of the Department of Education may inspect the attendance records and records showing academic progress of an alternative education program with fourteen days written notice if~~

the Secretary has probable cause to believe the program is not in compliance with this section. Failure to provide instruction is grounds for the school board, upon thirty days' notice, to revoke the excuse from school attendance.

The notification of alternative instruction must be submitted on the South Dakota Department of Education notification form and filed annually with the school district. Failure to submit the notification form prior to the student's expected first day of attendance will be subject to truancy action.

A child so excused from school shall take any test(s) required by State law. A permanent record of all certificates of excuse shall be kept. Failure to complete required testing may result in a recommendation to revoke the excuse from school attendance.

REFERENCES

State Reference:

- SDCL 13-27-1 [Responsibility of person controlling child](#)
- SDCL 13-27-2 [Child excused from school](#)
- SDCL 13-27-3 [Alternative instruction](#)
- SDCL 13-27-7 [Notification of alternative instruction](#)
- SDCL 13-27-8 [Appeal on attendance matters](#)
- SDCL 13-27-9 [Record of certificates of excuse](#)
- SDCL 13-27-29 [Placement of child](#)

Cross Reference:

- IGDK Participation of Alternative Instruction Students
- JEC School Admissions
- JEC AA Students Enrolling from Alternative Instruction
- JEC B Open Enrollment
- JEC G Exemptions from School Attendance

Adoption History

First Reading	8/8/11	First Reading - Revision	1/24/2022
Approved	8/22/11	Approved - Revision	
First Reading-Revision	11/9/15		
Approved - Revision	11/23/15		
First Reading - Revision	8/15/16		
Approved - Revision	8/29/16		
First Reading	6/27/19		
Approved - Revision	7/22/19		

NOTIFICATION FOR PUBLIC SCHOOL EXEMPTION CERTIFICATE SDCL 13-27-3

Per SDCL 13-27-7. Notice must be filed annually
 Per SDCL 13-27-2, As soon as a family files this notification, it immediately becomes effective. No approval action is required by the school board.

PLEASE PRINT OR TYPE LEGIBLY - ITEMS 1-14 MUST BE COMPLETED BY PARENT/GUARDIAN

1. Public School District _____ School Year 20____ - 20____
 2. Parent(s) or Guardian _____
 3. Address _____ 4. City _____
 5. County _____ 6. State _____ 7. Zip _____
 8. Phone _____ Email _____
 9. School Location: HOME OTHER (Describe 'Other'- example: Group / Organization / Church, etc)

10. Address _____
 11. Phone _____
 12. Instructor Name(s): _____
 13. List each child that will be receiving alternative instruction:

NAME – Last / First / Middle Initial	Gender M/F	Date of Birth MM/DD/YYYY	Grade	*Testing Year Y/N

***Per SDCL 13-27-3 Each child receiving alternative instruction who is in grades four, eight, or eleven shall take a nationally standardized achievement test of the basic skills.**

Required

Parent/Guardian Signature: _____ **Date:** _____

14. Per SDCL 13-27-3.1 parent(s)/guardian(s) upon filing an initial exemption notification must include for each child:

- a. A certified copy of the child's birth certificate, within 30 days of initial enrollment or excuse; **OR**
- b. Affidavit in lieu of the birth certificate as issued by the Department of Health;

This documentation must be included in subsequent years **only** for any new children added to the form.

****If neither a certified copy of the child's birth certificate or the Department of Health affidavit is available the affidavit on the back of this form must be completed.**

Confirmation of receipt by the district (not required for approval): _____
District Representative

Parent/Guardian Instructions: Submit the completed form to the public school district office where you reside.

School District Instructions: Send one copy of this notification to SD Department of Education 800 Governors Dr. Pierre, SD 57501. Provide one copy to parent/guardian.

SECTION	I	TITLE	INSTRUCTION	FILE	INDA
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PATRIOTIC EXERCISES / FLAG DISPLAYS / ORGANIZATIONS

The American flag will be flown from the mast at each school every day that school is in session. The principal of the attendance center is responsible for flying the flag on school days. A small flag shall be provided for each classroom. The District shall provide all students the opportunity to salute the United States and the flag each day by reciting the Pledge of Allegiance to the Flag of the United States. A student may choose not to participate in the salute to the United States and the flag; however, a student who does not participate in the salute shall maintain a respectful silence during the salute. The national anthem may be sung during any school day or school event.

Observation and commemoration of special days and events will be considered a valuable part of the instructional program of the school.

Representatives of Patriotic and National Organizations listed in Title 36 of the United States Code, as of July 1, 2018, shall be allowed to speak to students during regular school hours during the first quarter of each academic school year. The Patriotic and National Organization shall provide the school principal with verbal or written notice of the organizations desire to speak to the students to inform the students about the civic involvement of the organization, and to explain how students may participate in or join the patriotic organization. The school principal has discretion over the time, place, and manner when representatives of the organization are allowed to speak to students.

Examples of Patriotic and National Organizations include, but are not limited to:

- American Legion
- Boy Scouts of America
- Boys and Girls Club of America
- Future Farmers of America
- Girl Scouts of the United States of America
- Paralyzed Veterans of America
- Veterans of Foreign Wars of America

Note: The District may allow a Patriotic and National Organization to speak with students after the first quarter of the academic school year. However, if such a request was made and granted after the first quarter of the academic school year it may be difficult to deny a similar request from other Patriotic and National Organizations. ASBSD sample policies are intended to be a guide for school districts. As is the case with any policy, a local school district’s unique circumstances, challenges and opportunities need to be considered.

REFERENCES

State Reference:

SDCL 13-24-17

[Flagpole required](#)

SDCL 13-24-17.2

[Right to post flag](#)

SDCL 13-24-22

[Representatives of patriotic societies](#)

Federal Reference:

USC Title 36

[Patriotic and National Organizations](#)

Adoption History

First Reading	10/26/2015		
Approved	11/09/2015		
First Reading - Revised	1/24/2022		
Approved			

1, IDEAS - TE

Douglas School District 51-1

Question: As we reflect on our past three visioning workshops, what are your thoughts, reflections, and questions?

Theme: Ideas

Like the idea of pods and collaboration.

Creates more opportunity for student's independent levels of instruction.

4.2 ★★★★★ (13)



Wow! I am thoroughly impressed by how well the group took in our ideas and brought them to life. Very articulate and skilled. I feel confident in them.

4.2 ★★★★★ (12)



Thank you for working so hard to take everyone's ideas into consideration.

4.1 ★★★★★ (12)



Good to see two very different versions of schools. One vs two level.

3.9 ★★★★★ (14)



Everyone's idea was heard. Different ideas are good.

3.9 ★★★★★ (12)



It is good to have a diverse group due to the various options and ideas. To think outside the box.

3.9 ★★★★★ (12)



We're on the right track. Ideas are reflective of the group input.

3.7 ★★★★★ (13)



2. COMMUNITY TE

Douglas School District 51-1

Question: As we reflect on our past three visioning workshops, what are your thoughts, reflections, and questions?

Theme: Community

Glad we are thinking about community use, safety in lockdowns, and collaborative areas.

4.1 ★★★★★ (14)



Safety for lock down and outdoor play and learning collaboration spaces., World is getting more complicated and community values are fractured. It is key to have a safe place for all students to learn and for the adults too

3.9 ★★★★★ (12)



I like the concept of pods and collaboration spaces Working collaboratively

3.9 ★★★★★ (10)



Community To be able to collaborate as a community of learners

3.6 ★★★★★ (6)



The safety and security of the students and staff as well as the building being available for future community use. Building community relationships encourages growth. Allowing the student and staff areas to be secured for possible community use.

3.6 ★★★★★ (5)



3. EXCITED

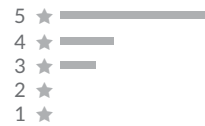
Douglas School District 51-1

Question: As we reflect on our past three visioning workshops, what are your thoughts, reflections, and questions?

Theme: Excited

I am excited for the future of teaching and education. **This building will fit the needs of students and teachers.**

4.1 ★★★★★ (13)



I am excited to see how instruction will change when we open a collaborative building.

4.1 ★★★★★ (11)



I am excited to see the finished product.

3.9 ★★★★★ (13)



Excited about getting the building vision into reality.

3.9 ★★★★★ (12)



Excited for the future growth Going to happen

3.9 ★★★★★ (12)



Growth **Exciting** and frightening all at the same time

3.7 ★★★★★ (14)



Educational research is changing all of the time. Is there someone keeping a pulse on it? As time passes between design and build, keeping abreast of what is current in research may require tweaks.

3.4 ★★★★★ (13)



4. UNTHEMED TE

Douglas School District 51-1

Question: As we reflect on our past three visioning workshops, what are your thoughts, reflections, and questions?

Theme: Unthemed

DLR you are doing a great job of **taking our thoughts** to make a building!

4.2 ★★★★★ (13)



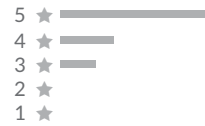
Thank you for **involving us in this process.** Having **several view points** is extremely valuable as we see things differently.

4.1 ★★★★★ (14)



Appreciate seeing the **process** of gathering wants and needs Helps to know that everything is being taken into consideration

4.1 ★★★★★ (13)



I feel like the concepts are coming together and being gathered correctly. **Collaboration** and experience for future education is important.

4.1 ★★★★★ (13)



Appreciate the **collaboration and input.** Appreciate multiple voices.

4.1 ★★★★★ (12)



The connection to the outside is so important. We know that outdoor activity is good for students' physical and mental health as well as their learning.

4.1 ★★★★★ (12)



Developing the whole child Academics are important, however there are many aspects to a student day that needs to be included

4.0  (14 )



Beautiful spaces To inspire and engage learners and teachers

4.0  (13 )



Change is needed! Our students deserve it!!

4.0  (12 )



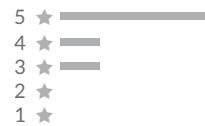
Easy flow throughout building for transitioning during specials. A lot of students moving at the same time could cause major noise and congestion.

4.0  (12 )



Starting to prepare staff for teaching for the future should start now. A collective effort (push) toward what's new in teaching and learning may need to be district-facilitated along with being expected

4.0  (11 )



I trust the DLR team.

3.9  (13 )



Moving forward Planning for the future

3.9  (13 )



This design group has the energy to design this school and ten more... Energy is contagious

3.9  (13 )



This will be a great school to prepare students for an ever changing world!

3.9  (13 )



Learning for the future To prepare students for careers that have not yet been created

3.9  (12 )



Classy thoughtful design is so important and I know we are going to hit the bullseye as we are already on target with our conceptual buildings. See above

3.8  (13 )



Direction of the building due to weather. Drifting snow, strong winds

3.8  (13 )



Thoughts and concerns have been heard and taken into consideration This not just for those here but also from the people not here. Continuing to build expand listen are vital

3.8  (11 )



Innovative building Futuristic

3.7  (14 )



Lots of good info. People have lots of questions.

3.7  (14 )



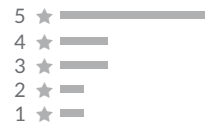
Out door learning spaces are important Extend learning options

3.6  (14 )



Entrances should not face north. You know why

3.6 (12 people)



This process has been very thoughtful, slow and deliberate. This is important so many voices can be heard to make the best learning environment for our students.

3.6 (12 people)



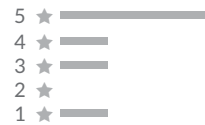
Gratitude Grateful for the thoughtfulness of this team

3.6 (4 people)



Innovation Giving teachers and students Freedom to explore concepts

3.5 (6 people)



Todd is my hero. The world needs a hero.

3.4 (14 people)



I'm excited for new school and think all of the collaborations are going in the right direction. I'm very worried about current schools going to k-5. As a special area teacher, my current teaching space can hardly handle the large 3rd grade classes, so adding 4th & 5th would be extremely overwhelming

3.4 (12 people)



Will we wait for funding to start the building?

3.4 (12 people)



Will each new elementary be similar in size?

3.1 (12 people)



Need a more centralized common/gym space.
It seems they are heavy on one side of the building.

3.0  (13 )



We need to develop a more consistent method of broadcasting these sessions.
Stakeholder involvement.

2.9  (13 )

