

DOUGLAS SCHOOL DISTRICT
BOARD OF EDUCATION

AGENDA

Monday, September 23, 2024

**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/92646116608?pwd=HYggp8EJhvm04IiqwuH8JBcNF159rb.1>
Meeting ID: 926 4611 6608
Passcode: 215378

Individuals attending virtually and desiring to speak during public forum should email their request to the Superintendent's Office (Kevin.Case@k12.sd.us or Jackie.McPherson@k12.sd.us), including all identifying information by noon of the day of the board meeting.

{{Name: Agenda Item Name}}

1. Call Meeting To Order:
2. Pledge of Allegiance and Moment of Silence In Honor Of Fallen Soldiers And Active Duty Persons:
3. Recognition:
4. Review of Board Working Agreements:
 - We ask
 - We learn
 - We lead
- 5.
6. Public Forum:
7. Approval of Agenda:
8. Consent Agenda Items:
 - A. Approval of Regular Meeting Minutes for September 9, 2024.
 - B. Approve Personnel Action.
 - C. Approve Financial Reports.

- D. Approve the Purchases and Issuing of Accounts Payable.
 - E. Approve Conflict Disclosures and Waiver Authorizations Pursuant to SDCL 3-23-3.
9. Items Removed From Consent Agenda
10. Elementary and Secondary Curriculum and Instruction Items:
- A. Approve Memorandum of Understanding between West River Mental Health and Douglas School District.
11. Superintendent Items:
- A. Approve Student Assignment Requests as recommended to attend Douglas School District for the 2024-25 school year.
 - B. Approve appointment of board member as the delegate to the annual ASBSD Delegate Assembly scheduled for November 22 in Pierre.
12. Fiscal Resources Items:
13. Operational Support Services Items:
- A. Approve First Reading of Revised and New Title IX Policies.
 - B. Approve First Reading of Revised Board Policy GCB - Qualifications of Teachers.
 - C. Hear Informational Reading of Revised Complaint Policies KL-R and KL-E - Complaint Against School Employee.
 - D. Hear Informational Reading of Revised Complaint Policies GBM and GBM-R - Staff Complaints and Grievances.
 - E. Hear Informational Reading of Revised Policies IKFC and IKFC-R - Alternative High School Credit Attainment.
 - F. Hear Informational Reading of Revised Section I: Instruction Policies Related to HB 1197.
14. Reports:
- A. Superintendent:
 - B. Committee Reports From Board Members and Comments from Associate Board Members
15. Upcoming Calendar Events:
- Oct 7, 8, & 10 - Parent Teacher Conferences, 3:30-7:00
 - Oct 11 - Conference Comp Day, No School
 - Oct 14 - Native American Day, No School

Oct 15 - BOE Meeting, 5:00 p.m.

Oct 16 - ASBSD Region Meeting, VES, 5:30 - 8:30

16. BOE Work Session - Goals.

17. Adjournment

SECTION	B	TITLE	Board Governance and Operations	FILE	BDDH
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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 that is open to the public and a public hearing held by the school board.

- 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 hearing held by the school board, 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 hearing. This type of meeting allows for public participation under the rules designed specifically for that meeting and is not subject to this policy.

This Policy applies only to regularly scheduled school board meetings held in open session. Matters addressed in executive session pursuant to SDCL 1-25-2 are not open to the public.

Personnel matters or complaints that directly or indirectly identify an employee shall not be discussed. Complaints against school employees or students, and complaints related to sexual harassment or bullying, must be addressed according to specific school district policies before being addressed by the School Board.

When a complaint against a school employee or a student is brought to the Board during the public forum, the Board President will direct the person bringing the complaint to the applicable complaint procedure. The complaint procedures are designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the person against whom the complaint is made. The Board will address the complaint only if the matter has been appealed to the Board pursuant to the applicable complaint policy

Persons making references about a specific school employee or employees, or a specific student or students during the public forum should be mindful that based upon what the person says during the public forum the employee(s) or student(s) about whom the comments are made may have legal recourse against the person voicing the complaint.

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. Individuals attending virtually and desiring to speak during public forum, should email their request to the superintendent's office, including all identifying information, by noon the day of the meeting.
- 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
- 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.
- 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.d, provision 1.e, 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

State Reference:

SDCL 1-25-1	Official meetings open to the public
SDCL 1-25-2	Executive or closed meetings
SDCL 13-32-6	Disturbance of school as a misdemeanor
SDCL 13-8-39	Management of schools by board
SDCL 22-18-35(3)	Disturbing any lawful assembly or meeting

Policy Cross Reference:

BD	School Board Meetings
BDDB	Board Meeting Agendas and Format
BDDC	Agenda Preparation and Dissemination

Adoption History

Approved	9/8/1977		
First Reading of Revision	10/10/1985		
Approved - Revision	11/14/1985		
First Reading	11/17/2014		
Approved	12/8/2014		
First Reading-Rewrite	2/13/2017		
Approved	2/27/2017		
First Reading-Revision	2/28/2022		
Approved	3/14/2022		

**DOUGLAS SCHOOL BOARD
REQUEST TO COMMENT
SPEAKER SIGN IN**

DATE _____

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.

Please print legibly.

	Name & Address	Email & Phone #	Topic / Item #
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SECTION	B	TITLE	Board Governance and Operations	FILE	BDDH-E(2)
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Introduction to Public Forum

If the Board/Board President wishes to have the Board President make an introductory statement at the beginning of the Public Forum, the following may serve as a starting point which could be modified at the discretion of the Board/Board President and which is consistent with local Board policy.

This is the time for the Public Forum.

Each individual wishing to address the Board is asked to sign the form on the table in the back of the room with their name, address, email and topic to be addressed being legible. Persons having signed in will be recognized and have an opportunity to speak.

Speakers will have five (5) minutes to present comments to the school board. An extension of time may be granted pursuant to Board policy. Should more than one person wish to address the school board on the same agenda item, or should the comments become repetitious, speaker time may be shortened.

The District has policies related to complaints involving bullying, sexual harassment, school employees or students. Those policies include procedures designed to balance the rights of the person(s) bringing the complaint and the rights of the person against whom the complaint is made. If a complaint about bullying, sexual harassment, school employees or students is brought to the Board during the public forum, the person will be informed as to the applicable complaint procedure.

* Individuals attending virtually and desiring to speak during public forum, instructions are given on the meeting agenda when it is posted to email their request to the superintendent’s office, including all identifying information, by noon the day of the board meeting.

Notes: All Board members should be aware that SDCL 22-18-35(3) says any person who intentionally causes serious public inconvenience, annoyance, or alarm to any other person, or creates a risk thereof by disturbing any lawful assembly or meeting of persons without lawful authority is a criminal offense (Class 2 Misdemeanor). This statute could be referenced in extreme situations if a speaker/group fails to respect the decorum expected during a formal governmental meeting

Adopted: 3/14/2022

MINUTES
DOUGLAS SCHOOL DISTRICT
BOARD OF EDUCATION MEETING

Monday, September 9, 2024

The Douglas School District No. 51-1 Board of Education held a Regular meeting on Monday, September 9, 2024 at 5:00 PM in the library conference room at Vandenberg Elementary School, Box Elder, South Dakota. President Tanya Gray presided. Those present were:

Ben Frerichs: Present, Tanya Gray: Present, Amy McGovern: Present, Chris Misselt: Present, Tonya Welch: Present. Tia Mullins: Associate Member, Present; Jo Anne Mulholland: Associate Member, Present.

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

President Tanya Gray called the meeting to order at 5:01 p.m.

Superintendent Kevin Case thanked Executive Leadership for their part in keeping students and staff safe during the secure status situation last week.

During public forum, a parent spoke regarding the safety of students walking from the housing near Liberty Center. She submitted a list of parents living on Yelner Street who are requesting the district look into bussing.

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

Motion to approve the consent agenda Items 7A-G. This motion, made by Chris Misselt and seconded by Amy McGovern, Carried.

Approved Regular Meeting Minutes for August 26, 2024.

Approved Personnel Action for September 9, 2024. (Attachment)

Approved Voluntary Separation Requests for Kevin Plooster and Mary Braun-Coates as per terms of the 2024-25 Negotiated Agreement. The Voluntary Separations are effective at the end of the 2024-25 school year pending completion of the employee's 2024-25 contract.

Approved Accounts Payable Report and August Payroll Report. (Attachments)

Approved Cooperative Agreement between Youth and Family Services and Douglas School District for the 2024-25 school year.

Approved declaring technology items as surplus (surplus for sale or discard).

Approved Conflict Disclosures and Waiver Authorizations as Fair and Reasonable Pursuant to SDCL 3-23-3.

Superintendent Items:

Motion to approve the following resolution. This motion, made by Chris Misselt and seconded by Amy McGovern, Carried.

BE IT RESOLVED THAT the Douglas School Board hereby recognizes and commends the following staff member on the occasion of his retirement. His many years of dedication and service to the Douglas School District have benefited countless staff and students. The Board wishes him success and happiness in the future.

Harvey Miller 37 Years

Motion to approve Student Assignment Request as recommended for the 2024-25 SY. This motion, made by Chris Misselt and seconded by Tonya Welch, Carried.

Fiscal Resources Items:

Motion to approve additional Capital Outlay items associated with upgrades to the outdoor athletic facilities: sprinkler system for green spaces surrounding the track- \$58,300; additional fencing for updated ticket booth area - \$10,000; robot to paint football and soccer practice fields (will balance out with labor required to paint a minimum of 2x weekly)- \$12,700; pole vault and high jump mats -\$54,041; and hurdles - \$7,734. This motion, made by Ben Frerichs and seconded by Amy McGovern, Carried.

Motion to approve the FY25 Budget as presented. This motion, made by Amy McGovern and seconded by Tonya Welch, Carried.

BE IT RESOLVED the Douglas School District 51-1 Board of Education, after duly considering the proposed budget and its changes thereto, to be published in accordance with SDCL 13-11-2, hereby approves and adopts its proposed budget and changes thereto, to be its annual budget for Fiscal Year July 1, 2024 through June 30, 2025. The adopted annual budget totals are as follows: General Fund: \$26,645,000; Capital Outlay Fund: \$4,104,600; Special Education Fund: \$6,255,000; Impact Aid Fund: \$6,107,550; and Food Service Fund: \$1,540,000.

Motion to Approve Tax Levies as presented. This motion, made by Chris Misselt and seconded by Ben Frerichs, Carried.

Tax Levies Certified to County Auditor

General Fund:

AG: \$1.197/\$1,000

OO: \$2.679/\$1,000

Other: \$5.544/\$1,000

Special Education Fund: \$1.488/\$1,000

Capital Outlay Fund: \$5,000,000

Operational Support Services Items:

Informational reading of revised Board Policy GCB - Qualifications of Teachers. The revision aligns with the new requirements under HB 1020 and is necessary to ensure the district meets accreditation standards and provides proper oversight of staff training.

Reports:

Superintendent Kevin Case reported that we have reached substantial completion on the football field. This will be our first football game, and we would like to have a brief ceremony at halftime to officially recognize the opening of the updated facility.

Superintendent Kevin Case shared the Douglas presentation shown to the Select Committee on Legislative Relationships with Ellsworth Air Force Base. It covers student enrollment and district demographics information, as well as explaining why Douglas is seeking funding and what is needed. Enrollment projections are shown from data given by the Department of the Air Force and RSP & Associates.

Superintendent Kevin Case and Business Manager Trista Olney will present to the legislative group regarding the impact the base expansion has on the District at the second meeting of the Ellsworth Air Force Base Legislative Task Force on October 24 in Sioux Falls.

Superintendent Kevin Case explained the wording of IM 28 'for human consumption' would have a huge impact on funding for the city, county, and state. It could have an impact on Douglas and the budget. Associated School Boards of South Dakota (ASBSD) is not recommending support for the measure.

Committee Reports from Board Members and Comments from Associate Board Members

Jo Anne Mulholland appreciated the information presented to the Ellsworth Air Force Base Legislative Task Force.

Tonya Welch reported that the Booster Club has lots of activities going on. Another online store will open soon with Patriot shirts and blankets. The next meeting will be September 16 at 6:00 p.m. at the high school.

Tia Mullins clarified that the base population will not be steady upward growth, but it will go up and down through the transitioning of the missions.

Tanya Gray shared that Douglas will be part of the Public Utilities Commission committee reviewing Black Hills Energy's preliminary permit to build another power plant in the Rapid City area. Even though it will not be located in the Douglas School District, it is within 5 miles.

Motion to move into executive session for personnel according to SDCL 1-25-2.1 at 5:58 p.m. This motion, made by Chris Misselt and seconded by Amy McGovern, Carried.

President Gray called the board out of executive session at 7:16 p.m.

No action taken.

Motion to adjourn the meeting at 7:17 p.m. This motion, made by Chris Misselt and seconded by Amy McGovern, Carried.

Tanya Gray, President

Trista Olney, Business Manager

_____ Initials

_____ Date

Published once at the total approximate cost of _____.

**DOUGLAS SCHOOL DISTRICT
PERSONNEL ACTION 09/09/2024**

Classified Authorization Amendments

Name	From Bldg / Position / Hrs / Wage	To Bldg / Position / Hrs / Wage	Effective Date
Chonda Prentice	MS/FSW/5hrs/\$18.50hr	MS/FSW/7.5hrs/\$18.50 hr	8/13/2024

Certified Voluntary Separation Requests

Name	Building	Position	Effective Date
Kevin Plooster	HS	Language Arts	08/31/1992-06/23/2025
Mary Braun-Coates	FC	Kindergarten Teacher	09/03/1987-06/23/2025

Classified Service Factor Bonus

Name	Position/Years	Amount	Dates of Service
Brenda Johnson	Bus Driver/40	\$1,936.62	9/04/1984 - 9/04/2024
Kathleen Auriemma	Instuctional Aide Library	\$2,152.76	9/20/1999 - 9/20/2024

Certified Resignations/Terminations

Name	Position	Location	Effective Date
Tony Burns	Computer Teacher	HS	6/23/2025

Classified Retirements

Name	Position	Location	Effective Date
Harvey Miller	Custodian	District Floater	9/6/2024

Classified Resignations/Terminations

Name	Position	Location	Effective Date
Amy Coberley	Security Aide	HS	8/28/2024
Ugene Meier	Bus Driver	Transportation	8/1/2024

Classified Voluntary Transfer Request

Name	From Bldg / Position / Hrs / Wage	To Bldg / Position / Hrs / Wage	Effective Date	
Nikol Andrews	BC/Instructional Aide PreK/\$17.75	BC/Instructional Aide/\$17.75	9/3/2024	Assignment
Janine Ysidro	BC/Instructional Aide/\$18.50	BC/Instructional Aide PreK/\$18.50	9/3/2024	Assignment

Classified Staff Hiring

Name	Location / Position	Wage	Effective Date
Jessica Ader	MS/FSW	\$15.50	9/3/2024
Evelyn Watson	IT/Data and Systems Analyst	\$56,356.00	9/9/2024
Fern Maramag	FC/Lunchroom Aide	\$16.25	9/9/2024

Temporary Hires

Name	Position	Salary	Effective Date
Tyler Carver	MS Asst. Wrestling Coach	\$2,409.00	2024-2025
Sherri Horan	Anchored for Life	\$250.00	2024-2025

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

Board Report - For School Board 09/13/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
A & B WELDING SUPPLY COMPANY INC.	184506		149.00
ANCORA PUBLISHING	184507		22,662.84
BELLE FOURCHE HIGH SCHOOL	184509		50.00
BLACK HILLS SHRM	184510		575.00
BLACK HILLS SPECIAL SERVICES COOPERATIVE	184511		40,425.89
BOX ELDER HARDWARE	184512		441.81
BSN SPORTS, LLC	184513		197.74
CARAHSOFT	184515		6,310.53
CENTURYLINK	184517		401.52
CITY OF BOX ELDER/PUBLIC WORKS DEPT	184519		2,335.39
COLUMN SOFTWARE PBC	184520		446.68
COMMITTEE FOR CHILDREN	184521		2,997.00
CROSSWAIT, COURTNEY	184523		50.83
EBACH ENTERPRISES	184524		18,420.00
EXPLORE LEARNING	184525		5,931.00
FIDUCIARY ACCOUNT	184526		160.00
FOOD SERVICE	184527		1,239.72
GOPHER SPORT	184528		646.38
GUSSO, BUDDY	184529		187.50
HAUFF MID-AMERICA SPORTS INC.	184530		1,072.60
HIGH POINT NETWORKS, LLC	184531		14,020.65
HUDL	184532		12,200.00
HURON CONSULTING GROUP, INC.	184533		11,742.00
IASCO	184534		1,075.82
INDEPENDENT WINDOW TINTING, LLC	184535		200.00
INSTITUTE MULTI-SENSORY EDUCATION	184537		2,025.00
JIMENEZ, SANDRA	184538		576.13
KLEENSLATE	184539		27.62
LEAD/DEADWOOD SCHOOL DISTRICT	184540		40.00
LRP CONFERENCES	184541		400.00
MENARDS	184543		3,989.60
MG OIL COMPANY, INC.	184544		2,340.23
NATIONAL RESTURANT ASSOCIATION	184545		1,161.00
PIZZA HUT- BOX ELDER	184546		196.00
PLANBOOK	184547		80.00

Board Report - For School Board 09/13/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
REGION VII PRINCIPALS	184549		150.00
RIDDELL / ALL AMERICAN SPORTS CORP	184550		459.45
RIVERSIDE TECHNOLOGIES INC	184551		5,588.00
SASD	184552		100.00
SCHOOL NURSE SUPPLY	184553		1,944.42
SENSORYEDGE	184555		369.95
SOFTWARE UNLIMITED INC	184557		398.00
SPARTAN STORES, LLC.	184558		33.24
STARFALL EDUCATION	184559		355.00
TEACHER CREATED RESOURCES	184560		150.04
TEACHING STRATEGIES	184561		917.50
VERIZON WIRELESS	184564		397.04
VOEGELI, BEAU	184565		62.38
WARNE CHEMICAL & EQUIPMENT, INC.	184566		6,715.00
GENERAL FUND			172,415.50
C&C FENCE, LLC	184514		24,632.00
CENTURY BUSINESS	184516		12,839.91
CO-OP ARCHITECTURE	184522		1,500.00
HAUFF MID-AMERICA SPORTS INC.	184530		13,169.00
INNOVATIVE OFFICE SOLUTIONS	184536		6,296.43
MAMMOTH SPORTS CONSTRUCTION, LLC	184542		174,045.26
TITLEWAVE	184563		1,487.36
CAPITAL OUTLAY			233,969.96
BLACK HILLS SPECIAL SERVICES COOPERATIVE	184511		231,539.64
CHILDREN'S CARE HOSPITAL & SCHOOL	184518		6,120.00
PRO-ED, INC.	184548		187.00
SD DEPARTMENT OF HUMAN SERVICES	184554		11,201.31
SHERATON HOTEL AND CONVENTION CENTER	184556		468.00
TIMMONS MARKET	184562		41.21
SPECIAL ED			249,557.16
BECKER'S	184508		5,561.44
GRANTS			5,561.44
SUBTOTAL			661,504.06
AFRAID OF LIGHTNING, LORELEI	12509		32.10
ALSCO	12510		149.48
CARROLL, LYDIA	12511		20.90

Board Report - For School Board 09/13/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
CASH-WA DISTRIBUTING COMPANY, INC.	12512		27,028.13
COCA-COLA BOTTLING CO HIGH COUNTRY	12513		591.00
COMBS, MALLORY	12514		33.25
FIDUCIARY ACCOUNT	12515		10,840.00
GENERAL FUND	12516		584.89
HOUSH, KAREN	12517		11.50
LOUZON, JAMES	12518		100.00
PAN-O-GOLD BAKING COMPANY, INC.	12519		1,620.32
PRAIRIE FARMS	12520		6,000.68
PROGUARD SERVICE & SOLUTIONS	12521		1,488.90
REINHART FOOD SERVICE LLC	12522		9,729.87
SERVALL TOWEL & LINEN SUPPLY, INC.	12523		174.70
FOOD SERVICE			58,405.72
GRAND TOTAL:			719,909.78

PAYROLL EXPENDITURES

AUGUST 7 2024

AUGUST 21 2024

TOTALS

\$902,509.56

\$1,004,026.14

**DOUGLAS SCHOOL DISTRICT
PERSONNEL ACTION 9/23/2024**

Classified Authorization Amendments

Name	From Bldg / Position / Hrs / Wage	To Bldg / Position / Hrs / Wage	Effective Date
Corinna Carlson	CO/Technology Database/Step 3/\$30.25	CO/Technology Database/Step 6/\$32.50	9/22/2024

Employee Leave of Absence Requests

Name	Building	Position	Effective Date
Reece Hall	MS	Special Ed Teacher	1/21/2025 - 5/14/2025
Shae Weber	MS	Social Studies	10/10/2024-12/1/2025

Certified AOS Payments

Jason Boeding	\$150.00
Tara Lipp	\$100.00
Tricia Baragar	\$800.00
Olivia Gotta	\$100.00
Sheila Sivertsen	\$900.00
Christie Apland	\$50.00
Tony Mraz	\$650.00
Lindsay Scott	\$200.00
Brandy Perkins	\$50.00
Rebekah Varilek	\$100.00
Loretta Schmidt	\$200.00
Sarah Reimer	\$150.00
Chris Wieman	\$450.00
Brianna Marty	\$100.00
Jace Caldwell	\$1,000.00
Cathy Baragar	\$150.00

Certified Resignations/Terminations

Name	Position	Location	Effective Date
Sandi Jimenez	Executive Director Secondary Curriculum	Central Office	12/21/2024

Classified Resignations/Terminations

Name	Position	Location	Effective Date
Tammy Nelson	Bus Aide	Trans	9/21/2024

Classified Staff Hiring

Name	Location / Position	Wage	Effective Date
Bonny Timblin	Trans/Bus Driver	\$21.73	9/18/2024
Kelly Earnest	Trans/Bus Aide	\$20.50	9/21/2024
Mary Sinclair	HS/Security Aide	\$18.50	9/18/2024
William Mitchell	Trans/Bus Driver	\$20.08	08/30/2024

Temporary Hires

Name	Position	Salary	Effective Date
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	Marlin Kingi	8th Boys Asst Basketball	\$2,443.00	2024-2025
	Emilee Goodrich	Activity Worker	\$15.00	2024-2025
**	Personnel Action additions and updates made after initial publication and before scheduled school board meeting.			

August 1, 2024	GENERAL	CAPITAL	SPECIAL
FINANCIAL	FUND	OUTLAY	EDUCATION
BALANCE 7/31/24	1,895,749.86	1,147,369.62	2,316,249.36
RECEIPTS:			
TAXES	77,069.56	18,085.48	9,510.23
INTEREST	1,035.09	0.00	0.00
ADMISSIONS	0.00	0.00	0.00
LOCAL	32,573.68	219.60	0.00
COUNTY	0.00	0.00	0.00
STATE	1,344,089.00	0.00	299,174.00
FEDERAL	0.00	247,687.81	0.00
OTHER	9,883.04	0.00	0.00
INTERFUND TRAN.	19,305.87	0.00	0.00
TOTAL RECEIPTS:	1,483,956.24	265,992.89	308,684.23
DISBURSEMENTS:			
VERIFIED CLAIMS	513,580.27	1,657,726.39	52,714.04
SALARIES	1,490,516.71	0.00	322,536.65
TRANSFERS OUT			
BALANCE 08/31/24	1,375,609.12	(244,363.88)	2,249,682.90
BALANCE 08/31/23	1,612,071.00	1,942,764.88	1,686,911.88

July 1, 2024	FEDERAL	UNEMPLOY-
FINANCIAL	PROJECTS	MENT FUND
BALANCE 7/31/24	(2,971,954.06)	49,497.51
RECEIPTS:		
LOCAL		
STATE		
FEDERAL	0.00	0.00
REIMBURSEMENTS	1,160,561.00	
OTHER (LOCAL) -AFROTC	0.00	0.00
INTERFUND TRAN.		
TRANSFER IN		
TOTAL RECEIPTS:	1,160,561.00	0.00
DISBURSEMENTS:		
VERIFIED CLAIMS	379,356.66	0.00
SALARIES	96,879.49	0.00
TRANSFERS OUT		
BALANCE 08/31/24	(2,287,629.21)	49,497.51
BALANCE 08/31/23	(4,686,896.59)	49,497.51

August 1, 2024	DEP CARE	MEDICAL REIMB	IMPACT AID
FINANCIAL			
BALANCE 7/31/24	2,028.21	(1,448.47)	27,685,539.54
RECEIPTS:			
INTEREST	0.00	0.00	19,305.87
FEDERAL	0.00	0.00	0.00
LOCAL	585.44	3,054.22	0.00
OTHER			
INTERFUND TRAN.			
LOANS			
TOTAL RECEIPTS:	585.44	3,054.22	19,305.87
DISBURSEMENTS:			
VERIFIED CLAIMS	2,162.77	7,673.76	0.00
EXPENDITURES/TRANSFERS OUT	0.00	0.00	19,305.87
BALANCE 08/31/24	450.88	(6,068.01)	27,685,539.54
BALANCE 08/31/23	594.65	(1,373.02)	27,848,776.54

August 1, 2024	FOOD	FIDUCIARY
FINANCIAL	SERVICE	FUNDS
BALANCE 7/31/24	182,388.89	307,486.85
RECEIPTS:		
INTEREST		
SALES	51,546.27	0.00
STATE	0.00	0.00
FEDERAL	41,114.71	0.00
LOCAL	(32.85)	16,903.22
OTHER		
INTERFUND TRAN.		
LOANS		
TOTAL RECEIPTS:	92,628.13	16,903.22
DISBURSEMENTS:		
VERIFIED CLAIMS	39,423.81	54,356.27
SALARIES	15,837.53	0.00
BALANCE 08/31/24	219,755.68	270,033.80
BALANCE 08/31/23	346,171.75	225,854.56

Board Report - For School Board 09/30/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
ACE STEEL & RECYCLING, INC.	184590		1,057.12
AMAZON.COM	184587		15,523.81
AMERICINN BY WYNDHAM MITCHELL	184593		1,092.00
AMICK SOUND INC	184594		10.90
ASBSD	184595		820.00
AVI SYSTEMS INC	184596		1,666.80
BELLE FOURCHE HIGH SCHOOL	184597		75.00
BEST WESTERN PLUS RAMKOTA HOTEL	184598		640.00
BLACK HILLS ENERGY- AUTO PAY	190		31,167.41
BLACK HILLS SPECIAL SERVICES COOPERATIVE	184600		10,000.00
BLICK ART MATERIALS	184601		3,440.26
BORDER STATES ELECTRIC INC	184602		25.05
BOX ELDER HARDWARE	184603		2,048.98
CAREERSAFE	184605		2,560.00
CLIMATE CONTROL SYSTEMS AND SERVICE	184607		273.47
COLUMN SOFTWARE PBC	184608		467.81
CRESCENT ELECTRIC	184609		164.74
DAKOTA BUS SERVICE, INC.	184610		8,947.50
DAKOTA SUPPLY GROUP, INC.	184611		495.91
DAKOTA TESOL	184612		150.00
FENWORKS, INC.	184613		1,000.00
FIDUCIARY ACCOUNT	184614		965.51
FLINN SCIENTIFIC INC	184615		334.12
FOOD SERVICE	184616		400.00
GRAINGER, INC	184617		188.56
GREAT WESTERN TIRE COMPANY	184618		1,073.71
HARLOW'S BUS SALES, INC.	184619		265.30
HARVEYS LOCK SHOP, INC.	184620		79.50
HAUFF MID-AMERICA SPORTS INC.	184621		773.84
HEINEMANN	184622		522.01
HERMOSA SCHOOL	184623		35.00
KIEFFER SANITATION, INC.-AUTO PAY	188		2,887.74
MCGRAW HILL SCHOOL EDUCATION	184625		3,459.91
MENARDS	184626		980.28
MG OIL COMPANY, INC.	184627		9,047.76

Board Report - For School Board 09/30/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
MIDCONTINENT COMMUNICATIONS- AUTO PAY	189		1,520.14
MONTANA DAKOTA UTILITIES COMPANY, INC.	191		1,925.71
NEWELL SCHOOL DISTRICT	184629		40.00
PAULSON, DARREN	184630		761.35
PIERRE SCHOOL DISTRICT	184631		50.00
PLANK ROAD PUBLISHING	184632		184.30
POWER HOUSE	184633		212.00
PROGRESS PUBLICATIONS	184634		484.00
QUADIENT	184635		182.85
RISE VISION INC.	184637		882.00
RIVERSIDE TECHNOLOGIES INC	184638		300.00
ROBERT BROOKE AND ASSOCIATES	184639		536.87
ROYAL FLUSH PORTABLES, LLC	184640		1,150.00
RUSHMORE PLAZA HOLIDAY INN	184641		85.90
SAPPHIRE BACKGROUND CHECK	184642		1,311.50
SAVVAS LEARNING COMPANY LLC	184643		5,205.00
SCENARIO LEARNING, LLC	184644		4,700.00
SCHOOL NURSE SUPPLY	184645		656.94
SDCTM/SDSTA JPDC	184646		175.00
SDHSAA	184647		168.00
SEAT SACK	184648		279.00
SHERWIN WILLIAMS	184649		483.90
SPARTAN STORES, LLC.	184650		799.56
SWEETWATER SOUND INC	184651		681.26
TATCO CONSTRUCTION SERVICES	184652		51,648.00
TEAM BUILDER	184653		1,500.00
TYLER TECHNOLOGIES	184658		5,925.00
UNITY SCHOOL BUS PARTS, INC.	184659		116.60
UNIVERSITY OF OREGON	184660		400.00
VALLEY SWEEPING, INC.	184662		1,485.00
VANWAY TROPHY & AWARD, INC.	184663		424.00
VOYAGER FLEET SYSTEMS, INC.	184664		672.34
WARNE CHEMICAL & EQUIPMENT, INC.	184665		133.90
WEST RIVER ELECTRIC-AUTOPAY	186		1,723.59
GENERAL FUND			189,443.71

Board Report - For School Board 09/30/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
ALL AMERICAN ROOFING & SALES, INC	184591		162,105.00
AMAZON.COM	184587		51.03
BLACK HILLS ROOFING, INC.	184599		61,324.00
HAUFF MID-AMERICA SPORTS INC.	184621		12,351.00
HEINEMANN	184622		7,002.55
TITLEWAVE	184655		39.49
TURF TANK	184657		12,700.00
WEST RIVER FOUNDATION	184666		7,305.27
WESTERN COMMUNICATIONS, INC.	184667		1,903.36
CAPITAL OUTLAY			264,781.70
AMAZON.COM	184587		3,204.73
ASBSD	184595		205.00
MACKIE, BRENDA	184624		1,867.92
NCS PEARSON, INC.	184628		1,291.12
TIMMONS MARKET	184654		22.94
USD CENTER FOR DISABILITIES	184661		300.00
WHY TRY	184668		99.00
SPECIAL ED			6,990.71
A & B WELDING SUPPLY COMPANY INC.	184589		71,600.00
AMAZON.COM	184592		11,838.30
BURKETT RESTAURANT EQUIPMENT &	184604		57,182.59
CENGAGE LEARNING	184606		5,591.25
MCGRAW HILL SCHOOL EDUCATION	184625		4,590.21
REDBIRD FLIGHT SIMULATIONS, INC	184636		84,057.00
TRANSFR INC	184656		17,333.36
GRANTS			252,192.71
SUBTOTAL			713,408.83
AMAZON.COM	12532		490.30
CASH-WA DISTRIBUTING COMPANY, INC.	12533		4,828.24
CLIMATE CONTROL SYSTEMS AND SERVICE	12534		143.88
COCA-COLA BOTTLING CO HIGH COUNTRY	12535		728.00
DAKOTA WAREHOUSE	12536		120.00
DIGI INTERNATIONAL INC	12537		432.00
GENERAL FUND	12538		50,607.51
PIZZA HUT- BOX ELDER	12539		1,026.00
PRAIRIE FARMS	12540		3,969.31

Board Report - For School Board 09/30/2024

<u>Vendor Name</u>	<u>Check #</u>	<u>Expensed</u>	<u>Amount</u>
REINHART FOOD SERVICE LLC	12541		21,548.04
SERVALL TOWEL & LINEN SUPPLY, INC.	12542		185.04
FOOD SERVICE			84,078.32
GRAND TOTAL			797,487.15



MEMORANDUM OF UNDERSTANDING

West River Mental Health
350 Elk Street
Rapid City, SD 57701

Douglas School District
400 Patriot Dr
Box Elder, SD 57719

I. PARTIES:

This memorandum of understanding has been mutually resolved and adopted by and between West River Mental Health and Douglas School District, herein referred to as WRMH and Douglas School District.

II. GOALS:

The goal for a partnership between WRMH and Douglas School District is to provide mental health services to children and families that would otherwise not engage in traditional mental health services.

III. PURPOSE:

This agreement sets forth the conditions for WRMH to work in collaboration with Douglas School District to provide mental/behavioral health education and/or therapy services to youth enrolled in a Douglas School District. It sets forth the understanding between parties regarding referrals made by Douglas School District and programs and services provided by WRMH at Douglas School District. Participation in any program or services offered through this Memorandum will be voluntary and must be approved by the parent/guardian of each youth.

Both parties understand and agree that WRMH Family Pathways program is a fee for service program and that WRMH staff are expected to provide a minimum of 20 clinical hours of service per week. Clinical hours include face to face visits and/or telehealth services with the child, the parents/guardians, or the family, as well as collateral contacts (face-to-face or phone contact) with any of the treatment team members (i.e. School staff, DSS, probation officers, etc.). As such, if WRMH staff cannot maintain at least 20 clinical hours per week within the school, both parties understand and agree that WRMH staff may provide services in another location and/or community. WRMH staff with completed Douglas School District background checks may also provide services to individual students in other Douglas School District buildings on a case-by-case basis with parent/guardian consent.

Nothing in this agreement is intended to create an employee/employer relationship between WRMH and Douglas School District.

IV. PERIOD OF AGREEMENT AND MODIFICATION/TERMINATION:

This MOU is effective for the 2024 – 2025 school year. This MOU may be renewed annually upon mutual agreement of both parties.

Modifications to this MOU must be submitted in writing at least 30 days in advance and approved by both parties represented herein.

Intent to terminate participation in this MOU must be submitted in writing at least 90 days in advance of termination by either party.

V. RESPONSIBILITIES OF THE PARTIES:

Douglas School District:

- Designated staff, including counselors, social workers, principals, assistant principals, deans, and others appointed at school will identify and refer students believed to be in need of mental/behavioral health education and/or therapy services.
- Provide a confidential and safe office/room from which to provide services at the Douglas School District. The designated office/room shall be made available to WRMH staff during the school year on days in which school is in session.
- Provide WRMH counselors with wireless internet access.
- Assist in acquiring parental/guardian consent to meet with the students.
- Maintain confidentiality of any client information which may be learned or witnessed as part of this agreement.
- Designated staff at schools partnering with WRMH will provide training to staff about the role of the WRMH counselor and the process of referring students for services.
- Provide WRMH staff opportunities to participate in and/or present district and school-based professional learning where deemed appropriate.

West River Mental Health

- Provide qualified staff to perform mental/behavioral health education and/or therapy services to students who meet the State designation of Serious Emotional Disturbance (SED).
- Obtain necessary consents for services from the child's parent or legal guardian.
- Manage any billings and collections for services rendered. Douglas School District shall not be billed for services provided under this agreement.
- Conduct services in accordance with WRMH standards and that of such licensing board as staff may be licensed under.
- Maintain confidentiality of any client information which may be learned or witnessed as part of this agreement.

- Maintain the following insurance coverages for WRMH and its staff through the duration of this MOU: Human Services Organization Professional Liability, Sexual or Physical Abuse or Molestation Vicarious Liability, Directors and Officers, Automobile Liability, and, Workers' Compensation.

VI. INDEMNIFICATION AND HOLD HARMLESS:

Each party shall indemnify and hold the other party harmless from and against any and all liabilities, losses, damages, actions, suits, proceedings, claims, demands, assessments, fines, penalties, fees, judgments, costs and expenses, including reasonable attorney's fees, of every nature and kind which an indemnified party may incur, directly or indirectly, and relating to or arising from the obligations of the parties under this Memorandum.

West River Mental Health

Date

School Board President, Douglas School District

Date

From: Tyler Pickner <tpickner@asbsd.org>
Sent: Thursday, September 5, 2024 11:01 AM
Cc: Tyler Pickner <tpickner@asbsd.org>
Subject: Appoint your board's representative for the 2024 ASBSD Delegate Assembly

Caution: This email originated from outside the K-12 email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ASBSD's 2024 Delegate Assembly is scheduled for Friday, November 22 in Fort Pierre at the Drifters Event Center beginning at 1 p.m. (Central) and **EACH** member district should appoint a board member to represent their school board and vote on positions that help set our legislative direction.

Click the links to review ASBSD's proposed [resolutions](#) and [standing positions](#) for the 2025 legislative session.

Each [resolution](#) or [standing position](#) with a change has an explanation of the proposed change underneath it in red.



The Delegate appointment form is online and can be found by [CLICKING THIS LINK](#) and completing the information requested for the school board member your board has appointed. Or, if you'd prefer, you can forward your delegate's name and contact information to tpickner@asbsd.org.

School boards appointing a board member as a Delegate will earn 25 ALL points!

Member districts can also submit a new or amended resolution or standing position, or suggest deletion of a resolution or standing position, by completing the [2024 ASBSD Delegate Assembly Member Resolution-Standing Position Form](#), which can be found by [CLICKING HERE](#).

If you have questions about submitting a delegate or Delegate Assembly, please contact me.

[Superintendents and Business Managers have received this message.](#)

Tyler Pickner
ASBSD Director of Communications
Office: 605-773-8382
Phone: 605-881-3791
tpickner@asbsd.org
<http://asbsd.org/>

SECTION	A	TITLE	Foundations & Basic Commitment	FILE	ACAA
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Sexual Harassment

Nondiscrimination. The school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates including in admission and employment. Inquiries about Title IX may be referred to the school district’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The school district’s Title IX Coordinator may be contacted at Title IX Coordinator, 400 Patriot Dr. Box Elder, SD 57719, Timothy.Kosters@k12.sd.us, (605) 923-0000. The school district’s nondiscrimination policy and grievance procedures are included in this policy, or can be accessed at: <https://www.dsdk12.net/>. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator.

Publication Notice. The school district will include the following notice on its website and in each handbook, catalog, announcement, bulletin, application form, and other places as required by law:

The school district prohibits sex discrimination in any education program or activity that it operates and individuals may report concerns or questions to the Title IX Coordinator. The school district’s Title IX policy, notice, and other information may be accessed at the following link: <https://www.dsdk12.net/>

Retaliation Prohibited. Retaliation, including peer retaliation, is prohibited in the school district’s education program or activity. If the school district has information about conduct that reasonably may constitute retaliation under Title IX, it may be required to treat it as an allegation of sex discrimination. Upon receiving a complaint alleging retaliation, the school district will initiate its grievance procedures or informal resolution process.

Definitions. As used in this policy, the following terms are defined as follows:

Complainant means an employee, a student, or a parent, guardian, or other individual with the legal right to act on behalf of a complainant who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment; or any other person who may have been subjected to sex discrimination when that person was participating or attempting to participate in the school district’s education program or activity.

Complaint means an oral or written request to the school district that objectively can be understood as a request for the school district to investigate and make a determination about alleged sex discrimination under Title IX.

Consent for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. School district officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

Respondent means a person who is alleged to have violated the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that the school district's policy or practice discriminates on the basis of sex, the school district is not considered a respondent.

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that is:

Quid pro quo harassment. An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the school district's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the school district's education program or activity.

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Non-forcible—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

- **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

Dating violence meaning violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship;

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school district, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Response to Sex-based Harassment.

All Employees. All school district employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including sex-based harassment under Title IX.

Title IX Coordinator. The school district will designate and authorize at least one employee as the school district's "Title IX Coordinator," to coordinate the school district's efforts to comply with its responsibilities under Title IX and this policy. The superintendent or Title IX Coordinator is authorized to delegate specific duties to one or more designees.

For conduct that could constitute sex-based harassment, the Title IX Coordinator must take the following actions:

- Offer and coordinate supportive measures for the complainant and for the respondent;
- Notify the complainant or the individual who reported the conduct of the grievance procedures and, if appropriate, the informal resolution process.
- Take other appropriate steps to avoid the recurrence of sex discrimination and restore or maintain equal access to the school district's programs and activities.

Supportive Measures. The school district will provide supportive measures, as appropriate, in cases involving sex-based harassment. These measures may include but are not limited to: counseling; extending deadlines; increased supervision; no-contact directives; leaves of absence; changes in class, work, or activities, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment. Supportive measures may be continued, modified, or discontinued at the conclusion of any grievance process. Supportive measures will not be disclosed to anyone other than the person to whom

they apply and others, including school officials, who need to know the supportive measures to implement them.

Requests to Modify Supportive Measures. A complainant or respondent may request modification or reversal of the school district's decision to provide, deny, change, or terminate supportive measures applicable to them. Requests must be made to the Title IX Coordinator in writing, and an impartial individual will review the request.

Students with Disabilities. If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP or Section 504 team to determine compliance with those laws while implementing supportive measures and all other requirements of this policy and Title IX.

Emergency Removal. The school district is authorized to remove a respondent from the school district's education program or activity on an emergency basis, provided that the school district undertakes an individualized safety and risk analysis; determines that an imminent and serious threat to the health or safety of a complainant or other persons arising from the allegations of sex discrimination justifies removal; and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. The school district is authorized to place an employee respondent on administrative leave from employment responsibilities during the pendency of the school district's grievance procedures.

Informal Resolution. The school district may offer an informal resolution process unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or informal resolution would be contrary to law. Prior to initiating informal resolution, the parties will be provided with notice of the allegations. Participation in informal resolution is voluntary, and any informal resolution will include consent from the complainant and respondent, the ability to withdraw from the process, and the right to resume the grievance process. If an agreement is reached, it precludes the parties from initiating or resuming the grievance process.

The informal resolution facilitator will not be the same person as the investigator or the decisionmaker in the school district's grievance procedures. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact, restrictions on participation in programs or activities, and disciplinary sanctions.

If informal resolution is offered, the school district will maintain all evidence gathered, communications about the informal resolution process, and the agreement reached. This information will be disclosed to outside individuals only as permitted by law and if

required to implement the requirements of the agreement or Title IX. If no agreement is reached, only relevant and permissible evidence received during the informal resolution process will be considered during the grievance process.

Grievance Procedures to Resolve Complaints of Sex Discrimination. Any person designated as Title IX Coordinator, investigator, or decision maker will not have a conflict of interest or bias for or against any party, generally or specifically. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

Complaint. Complaints of sex-based harassment may only be made by a complainant; a parent, guardian, or other individual with the legal right to act on behalf of a complainant; or the Title IX Coordinator. Complaints of sex discrimination (excluding complaints of sex-based harassment) may be made by any person who was participating or attempting to participate in the school district's education program or activity at the time of the alleged sex discrimination.

Complaint by Coordinator. In the absence of a complaint made by any other individual, the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination. The Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with the initiation of a complaint;
- The complainant's reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the school district;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the school district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator initiates a complaint, they will notify the complainant prior to doing so and address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

Consolidation of Complaints. The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references in this section to a party, complainant, or respondent include the plural, as applicable.

Basic Procedures. This grievance procedure is governed by the following basic requirements:

- A respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedure;
- The school district will treat the complainant and respondent equitably throughout the grievance process;
- The school district will take reasonable steps to protect the privacy of individuals participating in the grievance process in a manner that does not restrict the parties from obtaining and presenting evidence, speaking to witnesses, consulting with family members or advisors, or otherwise participating in the grievance process;
- The District will use the following timelines for each complaint, but the Title IX Coordinator or designee may extend them as needed:

Major Stage	Target Duration (calendar days)
Completion of the school district's decision whether to dismiss or investigate a complaint of sex discrimination	1-15
Investigation	1-30
Determination	1-30
Appeal	1-20

Notice of Allegations. Upon initiation of the grievance procedure, the school district will provide notice of the allegations to the parties whose identities are known. The notice will include a copy of this policy; the parties involved in the incident(s); the conduct alleged to constitute sex discrimination; and the date(s) and location(s) of the alleged incident(s), if available. Retaliation is prohibited.

If the school district decides to investigate additional allegations of sex discrimination that are not included in the initial notice, the school district will provide notice of the additional allegations to the parties.

Complaint Investigation. The burden is on the school district to conduct an investigation that gathers sufficient evidence to determine whether sex

discrimination occurred. The individual investigating and deciding the complaint will:

- Provide an equal opportunity for the parties to present fact witnesses and relevant and permissible evidence;
- Objectively review all evidence gathered through the investigation and determine what evidence is relevant and permissible;
- Provide each party with an accurate description of the relevant and permissible evidence, and upon request, copies of this evidence;
- Provide the parties a reasonable opportunity to respond to the evidence;
- Use a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility, but credibility will not be based upon any individual's status as a complainant, respondent, or witness; and
- Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Relevant and Permissible Evidence. The school district will consider relevant and permissible evidence. Relevant evidence is evidence related to the allegations of sex discrimination under investigation as part of the grievance procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Generally relevant evidence is permissible, but does not include:

- Evidence that is protected under a privilege as recognized by Federal or State law;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness unless the school district obtains that party's or witness's voluntary, written consent for use in this grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless that evidence is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's

consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Determining Whether Sex Discrimination Occurred. The school district will:

- Use the preponderance of the evidence standard of proof, that it is more likely than not, to determine whether sex discrimination occurred;
- Use only relevant and permissible evidence to reach a determination;
- Notify the parties in writing of the determination whether sex discrimination occurred, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- If there is a determination that sex discrimination occurred, coordinate and provide remedies to restore equal access, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur;
- Not discipline a party, witness, or others participating in a school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

Dismissal of a Complaint. A complaint of sex discrimination made through the grievance procedure may be dismissed for any of the following reasons:

- The school district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the school district's education program or activity and is not employed by the school district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that without the complainant's withdrawn allegations, the remaining alleged conduct would not constitute sex discrimination even if proven;
- The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint under this paragraph, the school district must make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The school district will notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent that the dismissal may be appealed on the bases set out in this policy. Upon the dismissal of a complaint, at a minimum, the school district will:

- Offer supportive measures to the complainant, and offer supportive measures to the respondent if the respondent has been notified of the complaint;
- Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.

Appeal. The school district will provide the parties the opportunity to appeal the decisionmaker's written determination or a dismissal of a complaint, on the grounds identified below. The school district will implement appeal procedures equally for the parties, including a reasonable and equal opportunity to make a statement in support of or challenging the outcome being appealed. Appeals under Title IX, like other comparable proceedings, will be handled consistent with the school district's general complaint policy.

Time for Appeal. Appeals may only be initiated by submitting a written Notice of Appeal to the superintendent within three (3) calendar days of the party's receipt of (1) the written determination of whether sex discrimination occurred from which the appeal is taken, or (2) the written dismissal of the complaint from which the appeal is taken.

Notice of Appeal Filed By Party. The Notice of Appeal must include (a) the name of the party or parties appealing, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from the following subsection) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy and Title IX.

Appeals of Dismissals. If a dismissal is appealed, the school district will provide notice of the allegations to the complainant and respondent if not provided previously.

Appeal Decision. The decisionmaker for the appeal will be an individual who did not take part in the investigation, determination, and/or decision to dismiss the complaint. The appeal decisionmaker will notify the parties of the result of the appeal and the rationale for the result.

Disciplinary Sanctions and Remedies. If it is determined that sex-based harassment occurred, the school district may impose disciplinary sanctions that may include suspension, expulsion, mandatory reassignment, adverse employment action up to and including termination, or any other actions regarding student behavior that are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.

Superintendent Authorized to Contract. The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the school district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

Recordkeeping. The school district will maintain the following documents for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or grievance procedures and the outcome.
- Records documenting the actions the school district took to meet its obligations under Title IX for any allegation of sex discrimination.
- All materials used to provide training as required by this policy. The school district will make these training materials available upon request for inspection by members of the public.

Adopted on: _____

Reviewed on: _____

Revised on: _____

New KSB Language

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REFERENCES

State Reference:

SDCL

Federal Reference:

USC Title

Adoption History

First Reading	<i>Date</i>		
Approved			

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-R
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Complaint Procedure

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

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

A preponderance of the evidence will be required to discipline a party accused of misconduct. This means that the investigator must conclude that it is more likely than not that misconduct occurred.

Complaint and Appeal Process.

1. The first step is for the complainant to speak directly to the person(s) with whom the complainant has a concern. For example, a parent who is unhappy with a classroom teacher should initially discuss the matter with the teacher. However, the complainant should skip the first step if complainant reasonably believes speaking directly to the person would subject complainant or complainant’s student to discrimination or harassment.
2. The second step is for the complainant to speak to the building principal, coordinator, superintendent, or president of the board of education, as set forth below. Anyone with questions about the appropriate person to speak with may request clarification from the superintendent.
 - a) Complaints about the operation, decisions, or personnel within a building should be submitted to the principal of the building.

- b) Complaints about the operations of the school district or a building principal should be submitted in writing to the superintendent of schools.
 - c) Complaints about the superintendent of schools should be submitted in writing to the president of the board of education.
 - d) Complaints involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age may be submitted to the applicable coordinator. Complaints involving discrimination or harassment may also be submitted at any time to the Office for Civil Rights, U.S. Department of Education: by email at OCR.KansasCity@ed.gov; by telephone at (816) 268-0550; or by fax at (816) 268-0599.
3. When a complainant submits a complaint to an administrator or coordinator, the administrator or coordinator shall first determine whether another applicable procedure is required by policy or law and if so, direct the complaint to the appropriate person to follow that procedure. If not, the administrator or coordinator will promptly and thoroughly investigate the complaint, and shall:
- a) Determine whether the complainant has discussed the matter with the respondent.
 - 1) If the complainant has not, urge the complainant to discuss the matter directly with the respondent, if appropriate.
 - 2) If the complainant refuses to discuss the matter with the respondent, the administrator or coordinator shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
 - b) Strongly encourage the complainant to reduce his or her concerns to writing.
 - c) Interview the complainant and, if necessary, the respondent against whom the complaint is filed, to determine:
 - 1) All relevant details of the complaint;
 - 2) All witnesses and documents which the complainant believes support the complaint;
 - 3) The action or solution which the complainant seeks.

- d) Respond to the complainant. If the complaint involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the administrator or coordinator receives the complaint.
4. If either the complainant or the respondent is not satisfied with the decision, he or she may appeal the decision to the superintendent. The superintendent may assign a qualified designee to hear any appeal. This provision applies to appeals under the board's policies governing complaints of discrimination or harassment, including Title IX and any other policy with a separate grievance or complaint procedure, unless that other procedure includes its own appeal process. All requirements for appeals within any other policy apply, and in addition to those requirements, the following also apply.
- a) The appeal must be in writing.
 - b) This appeal must be received by the superintendent no later than three (3) calendar days from the date of the decision.
 - c) For complaints addressed through other applicable procedures that do not include a separate investigatory process, the superintendent will investigate as he or she deems appropriate.
 - d) The superintendent will prepare a written decision and provide it to the complainant and any other person entitled by law to receive the appeal decision. For complaints involving discrimination or harassment, the superintendent shall submit the decision within 180 calendar days after the superintendent received complainant's written appeal. Appeals to the superintendent from complaints involving discrimination or harassment are final once the superintendent delivers the written decision, as are all other appeals/complaints to the superintendent unless the complaint can be appealed on the limited grounds to appeal to the board below.
5. The board's role is to set policy, establish and implement a budget, and evaluate the superintendent. The board does not manage the daily operations of the school district entrusted to its administration unless required by law or policy. Because of the board's statutory roles, it does not hear complaints or appeals that may involve oversight or discipline of students, staff, or others, unless those involve allegations against the superintendent as discussed below. The board does not hear complaints or appeals based on allegations of discrimination or harassment unless otherwise required by law. The board will hear appeals only in the following circumstances:
- a) When the complaint is about a board policy, not implementation of the policy;

- b) When the complaint involves the budget or school expenditures that have been or must be approved by the board; or
- c) When the board is required by law, policy, or contract to hear a complaint or appeal.

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

- d) This appeal must be in writing.
- e) This appeal must be received by the board president no later than ten (10) calendar days from the date the superintendent communicated the decision to the complainant.
- f) This policy allows, but does not require the board to receive statements from interested parties and witnesses relevant to the complaint or appeal. However, all matters involving discrimination or harassment allegations against the superintendent shall be promptly and thoroughly investigated by the board president or a designee.
- g) The board president will notify the complainant and any other person legally required to receive the decision in writing of the decision. If the complaint involves discrimination or harassment allegations against the Superintendent, the board president shall submit the decision within 180 calendar days after receiving the written appeal.
- h) There is no appeal from any decision of the board unless authorized by law.

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

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

- b) Determine whether the complainant has discussed the matter with the superintendent.
 - 1) If the complainant has not, the board president or designee will urge or require the complainant to discuss the matter directly with the superintendent, if appropriate or required.
 - 2) If the complainant refuses to discuss the matter with the superintendent, the board president shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
- c) Determine, in his or her sole discretion, whether to place the matter on the board agenda for consideration at a regular or special meeting by the full board.
- d) Respond to the complainant or appeal. If the complaint or appeal involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the president received the complaint.
- e) Appoint or contract with other individuals qualified to assist the board through this process or any other applicable procedure used to address allegations against the superintendent.

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

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

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

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

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

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

REFERENCES

Adoption History

SECTION	A	TITLE	Fundations and Basic Commitments	FILE	ACAA-E(1)
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Sex Discrimination Written Complaint Form

Instructions: Please complete this form to the best of your ability. This information is necessary to investigate and respond to your complaint effectively. Submit the completed form to the Title IX Coordinator.

Complainant Information

- **Full Name:** _____
- **Role:**
 - Student
 - Parent/Guardian
 - Employee
 - Other: _____

Incident Details

Date(s) of Incident: _____

Location of Incident: _____

Person(s) Involved:

- Name(s): _____
- and Role(s): _____

Description of Incident: (Please provide a detailed account of the events, including what happened, when, where, and any witnesses. Attach additional pages if necessary.)

- **Do you have any supporting documents?**
 - Please attach copies of any relevant documents, such as emails, messages, photos, etc.

- **What outcome are you seeking as a result of this complaint?** (e.g., resolution, investigation, specific actions)

- **Are there any supportive measures you would like the district to consider providing to help you access the school's programs while we investigate this complaint?** (Supportive measures are non-punitive services and accommodations to ensure their safety, well-being, and equal access to education.)

I certify that the information provided in this complaint is true and correct to the best of my knowledge.

Signature: _____

Date: _____

For Title IX Coordinator Use Only

Received By: _____

Date Received: _____

REFERENCES

New KSB Language

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Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(2)
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Oral Complaint Documentation Form

Instructions: This form is to be completed by the Title IX Coordinator to document the details of an oral complaint of sex discrimination. The Coordinator must confer with the complainant/individual reporting and offer them the opportunity to submit a written complaint.

Full Name of Complainant: _____

Role:

- Student (grade level _____)
- Parent/Guardian
- Employee
- Other: _____

Details of Oral Complaint

Date of Complaint: _____

Date(s) of Incident: _____

Location of Incident: _____

Person(s) Involved:

- Name(s): _____
- Role(s): _____

Description of Incident: (Provide as much detail as possible about the oral complaint)

Supportive Measures Requested: (Supportive measures are non-punitive services and accommodations to ensure their safety, well-being, and equal access to education while the investigation is being undertaken.)

I certify that the information documented in this form is a true and correct account of the oral complaint made on the date specified.

Title IX Coordinator's Name: _____

Signature: _____

Date: _____

REFERENCES

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Adoption History

New KSB Language

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SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(3)
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Form to Assess Whether TIX Coordinator Should File Complaint

Instructions: Use this form to assess whether to proceed with filing a complaint of sex discrimination, even if the complainant does not want to file or has withdrawn the allegations. Complete the checklist based on the considerations outlined in 34 CFR 106.44(f)(1)(v) and other relevant regulations.

Report Received By: _____

Date Received: _____

Method of Report:

- Oral
- Written

Full Name of Complainant: _____

Role:

- Student (grade level _____)
- Parent/Guardian
- Employee
- Other: _____

Considerations for Filing a Complaint

1. **Complainant's request not to proceed with initiation of a complaint:**
 - Yes (Complainant requests not to proceed)
 - No
2. **Complainant's reasonable safety concerns regarding initiation of a complaint:**
 - Yes

No

Relevant Details: _____

3. Risk of additional acts of sex discrimination if a complaint is not initiated:

Yes

No

Relevant Details: _____

4. Severity of the alleged sex discrimination:

Low

Moderate

High

Relevant Details: _____

5. Age and relationship of the parties (e.g., whether the respondent is an employee of the recipient):

Yes

No

Relevant Details: _____

6. Scope of the alleged sex discrimination (e.g., pattern, ongoing, or impacting multiple individuals):

Yes

No

Relevant Details: _____

7. Availability of evidence to assist in determining whether sex discrimination occurred:

Yes

No

Relevant Details: _____

8. Recipient's ability to end the alleged sex discrimination and prevent its recurrence without initiating grievance procedures:

Yes

No

Relevant Details: _____

9. **Does the conduct as alleged present an imminent and serious threat to the health or safety of the complainant or others?**

Yes

No

Relevant Details: _____

10. **Does the conduct as alleged prevent the recipient from ensuring equal access on the basis of sex to its education program or activity?**

Yes

No

Relevant Details: _____

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(4)
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Dismissal of Sex Discrimination Complaint



DOUGLAS SCHOOL DISTRICT 51-1

ADMINISTRATIVE OFFICE
400 Patriot Drive • Box Elder, SD 57719-9749 • 605-923-0000

[Date]

[Complainant's Name]

[Complainant's Address]

[City, State, ZIP Code]

Dear [Complainant's Name],

I am writing to inform you that, after careful consideration, your complaint of sex discrimination filed on [Date of Complaint] is being dismissed. I have decided to dismiss the complaint because:

- The respondent is not identified after taking reasonable steps to do so.
- The respondent is not participating in the recipient's education program or activity and is not employed by the recipient.
- You voluntarily withdrew any or all of the allegations in the complaint, and without the withdrawn allegations, the conduct that remains alleged would not constitute sex discrimination under Title IX or this part even if proven.
- The conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or this part.

Prior to this dismissal, I made reasonable efforts to clarify the allegations with you.

Supportive Measures: Please note that the dismissal of your complaint does not affect your right to receive supportive measures. We are committed to ensuring your safety and well-being and will continue to provide appropriate supportive measures. I have enclosed a document that explains the supportive measures the District will provide to you. If you have questions or concerns about those supporting measures, please contact me.

Appeal Process: You have the right to appeal this dismissal. I have enclosed a form for your use to appeal the decision if you wish to initiate the appellate process. Please submit this form within three calendar days of receiving this notice to _____.

Upon receiving your appeal, we will:

1. Notify both parties of the appeal.
2. Ensure the appeal decision maker is impartial and has not been involved in the investigation or dismissal of the complaint.
3. Provide both parties with an equal opportunity to make a statement in support of or challenging the outcome.
4. Notify both parties of the result of the appeal and the rationale for the result.

Next Steps: If you have any questions about this decision, the supportive measures available, or the appeal process, please do not hesitate to contact me. I understand that this process can be difficult and the school district staff are here to support you.

Sincerely,

[Title IX Coordinator's Name]

Title IX Coordinator

[School District Name]

[Contact Information]

[Email Address]

[Phone Number]

Enclosure: [Title IX Appeal Form](#)

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(5)
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Informal Resolution Form

Report Information

- **Date Received:** _____
- **Complainant's Name:** _____
- **Respondent's Name:** _____

Considerations

1. **Nature of Allegations**
 - Not severe or egregious
 - No employee sexually harassing a student
2. **Complainant's Willingness**
 - Open to informal resolution
 - Understands and agrees voluntarily
3. **Respondent's Willingness**
 - Open to informal resolution
 - Understands and agrees voluntarily
4. **Safety and Well-being**
 - Informal resolution won't compromise safety
5. **Impact on Education Program**
 - Won't interfere with access to the program
6. **History of Allegations**
 - No history of similar allegations between parties
7. **Supportive Measures**
 - Considered and offered to both parties

Decision

- Proceed with Informal Resolution?**
- Yes
 - No

Notes: _____

Signature

- **TIXC Name:** _____
- **Date:** _____

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(6)
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Notice of Title IX Investigation



DOUGLAS SCHOOL DISTRICT 51-1

ADMINISTRATIVE OFFICE
400 Patriot Drive • Box Elder, SD 57719-9749 • 605-923-0000

[Date]

[Complainant's Name]

[Complainant's Address]

[City, State, ZIP Code]

[Respondent's Name]

[Respondent's Address]

[City, State, ZIP Code]

Re: Notice of Title IX Investigation

Dear [Complainant's Name] and [Respondent's Name],

I am writing to inform you that I am initiating a formal investigation into the allegations of sex discrimination reported on [Date of Report]. The following elements are included in this correspondence to ensure that both parties understand the process and their rights.

Factual Summary of Allegations: The following is a summary of the allegations being investigated:

- [Factual Summary of Allegations]

You will be contacted as part of the investigation and provided with the opportunity to present fact witnesses and other inculpatory and exculpatory evidence. Both parties will have an equal opportunity to review and respond to the evidence gathered during the investigation. This includes all relevant documents, information, and materials.

The school district will provide supportive measures, as appropriate, in cases involving sex-based harassment. Supportive measures will not be disclosed to anyone other than the person to whom they apply and others, including school officials, who need to know the supportive measures to implement them. We have evaluated whether it is necessary for you or your student to receive supportive measures while this investigation is pending. Please review the enclosed [Supportive Measures Form](#) for details and options related to you and/or your student.

If you have (or your student has) an IEP or 504 Plan, I will confer with an individual who is familiar with the student's disabilities and how those disabilities might be relevant to the investigation.

You can find the District's Title IX policy, which includes the district's grievance procedures and informal resolution options, on the District's website. If you would like the district to consider an informal resolution of this complaint, please contact me with that request and I will assess whether to pursue possible informal resolution.

Please know that retaliation against any person involved in this process is strictly prohibited. Any form of intimidation, threats, coercion, or discrimination will not be tolerated.

Sincerely,

[Title IX Coordinator's Name]

Title IX Coordinator

[School District Name]

[Contact Information]

[Email Address]

[Phone Number]

REFERENCES

New KSB Language

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Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(7)
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Supportive Measures Form

Instructions: The Title IX Coordinator (TIXC) will complete this form to document and offer supportive measures to ensure the safety and well-being of students involved in a Title IX case. Supportive measures are designed to restore or preserve equal access to the school’s education program or activity without unreasonably burdening either party.

Full Name of Student: _____

Grade Level: _____

Section 2: Supportive Measures Offered

The following supportive measures have been offered to the Student to ensure safety and equal access to the education program or activity. (check all that apply):

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of class schedules
- Campus escort services
- Increased security and monitoring of certain areas of the campus
- Mutual restrictions on contact between the parties
- Changes in housing locations
- Leaves of absence
- Provision of separate facilities during exams or other activities
- Academic support services, such as tutoring
- Assistance with arranging access to additional supportive services (e.g., medical or mental health services)
- Providing alternative course completion options (e.g., independent study or online course)
- Training and education programs related to sex-based harassment

- Temporary or permanent changes to seating arrangements
- Assistance with safety planning
- Providing access to counseling or support groups
- Access to legal resources or advocacy services
- Other: _____

Consultation for Students with Disabilities

Does Student has an IEP or 504 Plan?

- Yes, Student has an IEP and I have conferred with the Special Education Director or case manager about these supportive measures
- Yes, the Student has a 504 Plan and I have conferred with the 504 Coordinator about these supportive measures
- No, I have confirmed that the student does not have an IEP or 504 Plan.

Implementation and Monitoring

- **Implemented by:** _____
 - **Date of Implementation:** _____
 - **Review Date:** _____
-

Withdrawal or Change of Supportive Measures

- **Supportive Measures Withdrawn or Changed:**
 - Measure: _____
 - Reason for Withdrawal/Change: _____
 - Date of Withdrawal/Change: _____
 - **Supportive Measures Withdrawn or Changed:**
 - Measure: _____
 - Reason for Withdrawal/Change: _____
 - Date of Withdrawal/Change: _____
-

Appeal of Supportive Measures

Instructions for Appeal: A complainant or respondent may request modification or reversal of the school district's decision to provide, deny, change, or terminate supportive measures. Submit the appeal to the Title IX Coordinator in writing.

• **Grounds for Appeal** (Check all that apply):

- Procedural irregularity that affected the decision regarding supportive measures.
- New evidence that was not reasonably available at the time the decision regarding supportive measures was made.
- The Title IX Coordinator had a conflict of interest or bias that affected the decision regarding supportive measures.
- Other (please specify): _____

• **Description of Grounds for Appeal:**

- _____
- _____
- _____

For Office Use Only

Decision on Appeal

Date Appeal Received: _____

Appellate Decision-Maker: _____

• **Decision** (Check one):

- The appeal is granted, and the supportive measures are modified/reinstated.
- The appeal is denied, and the original decision is upheld.
- Other (please specify): _____

• **Rationale for Decision:**

- _____
- _____
- _____

Appellate Decision-Maker's Signature: _____

Date: _____

REFERENCES

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Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(8)
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Emergency Exclusion Worksheet

Instructions: Use this checklist to determine whether an emergency exclusion of a respondent is appropriate during a Title IX investigation. Complete each section based on the considerations outlined in the Title IX regulations.

1. Nature of Threat:

- There is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex discrimination.

2. Specific Evidence of Threat:

- Direct threats or statements made by the respondent.
- Observations of dangerous behavior.
- Credible reports from witnesses or other individuals.
- Other: _____

3. Evaluation of Circumstances:

- The threat cannot be addressed by supportive measures alone.
- The threat requires immediate action to prevent harm.

4. Details of Allegations:

- The allegations involve significant physical harm or the potential for significant harm.
- The allegations involve repeated or escalating behavior.
- Other: _____

5. Respondent's History:

- Previous incidents of similar behavior.
- History of violence or threats.
- Other: _____

6. Special Education Status:

- The respondent has an IEP or 504 Plan.

- The Title IX Coordinator has conferred with an individual familiar with the respondent's disabilities and how those disabilities might be relevant to the emergency exclusion.

Procedural Safeguards

7. Notification to Respondent:

- The respondent has been informed of the emergency exclusion decision.
- The respondent has been provided with the reasons for the exclusion.

8. Opportunity for Immediate Challenge:

- The respondent has been given an opportunity to challenge the decision immediately following the exclusion.

I certify that the considerations documented in this form have been evaluated and that the emergency exclusion is appropriate based on the circumstances.

TIXC Name: _____

Signature: _____

Date: _____

REFERENCES

Adoption History

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SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(9)
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Witness Interview Form

Instructions: This form can be used by the Title IX Coordinator or investigator to document the interviews of each witness during the investigation. The form also includes sections to determine the relevance of the evidence. Use a new form for each witness interviewed.

Complainant/Respondent Names: _____

Investigator's Name: _____

Date of Interview: _____

- **Witness Name:** _____
- **Role/Relationship to Case:** _____
- **Contact Information:**
 - **Phone Number:** _____
 - **Email Address:** _____
- **Summary of Interview:**
 - Witness's account of the incident(s) (provide detailed notes):

Relevance Determination

The legal standard for determining relevance is whether the evidence makes a fact in question more or less likely to be true than it would be without the evidence. Evidence is relevant if it has any tendency to make a material fact more probable or less probable than it would be without the evidence. However, evidence may be deemed impermissible if it is subject to privilege, constitutes hearsay without exception, or is unduly prejudicial, confusing, or a waste of time. The relevance analysis also includes considering whether the evidence is directly related to the allegations, has probative value, and is not protected by privilege or exclusionary rules.

Notes on any portions of the witness’s statement that are not relevant and why:

- _____
- _____
- _____
- _____

Additional Witnesses or Documents Mentioned:

Names and contact information of any additional witnesses or documents identified:

- _____
- _____

I certify that the interview summary above is accurate and complete.

TIXC/Investigator Name: _____

Signature: _____

Date: _____

REFERENCES

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Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(10)
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Evidence Log Form

Instructions: This form can be used by the Title IX Coordinator to log evidence collected during the investigation. The form also includes sections to determine the relevance of the evidence. Use a new form for each piece of documentary evidence collected.

Complainant/Respondent Names: _____

Investigator's Name: _____

Date of Interview: _____

- **Witness Name:** _____
- **Role/Relationship to Case:** _____
- **Contact Information:**
 - **Phone Number:** _____
 - **Email Address:** _____
- **Evidence Description:**
 - Type of Evidence (e.g., document, photo, video, email):

 - Source of Evidence: _____
 - Date Collected: _____
 - Description of Evidence:
 - _____
 - _____

Relevance Determination

The legal standard for determining relevance is whether the evidence makes a fact in question more or less likely to be true than it would be without the evidence. Evidence is relevant if it has any tendency to make a material fact more probable or less probable than it would be without the evidence. However, evidence may be deemed impermissible if it is subject to privilege, constitutes hearsay without exception, or is

unduly prejudicial, confusing, or a waste of time. The relevance analysis also includes considering whether the evidence is directly related to the allegations, has probative value, and is not protected by privilege or exclusionary rules.

Notes on any portions of the documentary evidence referenced above are not relevant and why:

- _____
- _____
- _____
- _____

Additional Witnesses or Documents Mentioned:

Names and contact information of any additional witnesses or documents identified in the evidence collected:

- _____
- _____

I certify that the information above is accurate and complete.

TIXC/Investigator Name: _____

Signature: _____

Date: _____

REFERENCES

Adoption History

New KSB Language

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(11)
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Disclosure of Evidence and Opportunity to Respond



DOUGLAS SCHOOL DISTRICT 51-1

ADMINISTRATIVE OFFICE
400 Patriot Drive • Box Elder, SD 57719-9749 • 605-923-0000

[Date]

[Complainant's Name]

[Complainant's Address]

[City, State, ZIP Code]

[Respondent's Name]

[Respondent's Address]

[City, State, ZIP Code]

Re: Disclosure of Evidence and Opportunity to Respond

Dear [Complainant's Name] and [Respondent's Name],

I have enclosed with this letter copies of all evidence collected and interviews conducted in my investigation into the allegations of sex discrimination by the complainant against the respondent. As part of the Title IX investigation process, it is essential to maintain the integrity and confidentiality of the information gathered. According to the Title IX regulations and our school district's policy, the evidence I have enclosed cannot be disclosed by you to third parties.

Please be assured that all relevant and permissible evidence has been carefully reviewed and considered in the investigation. Please provide me with any response to

this evidence via email no later than _____. If you have any questions or need further clarification, do not hesitate to contact me.

Sincerely,

[Title IX Coordinator's Name]

Title IX Coordinator

[School District Name]

[Contact Information]

[Email Address]

[Phone Number]

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(12)
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Title IX Determination Form

Complainant's Name: _____

Respondent's Name: _____

Date of Complaint: _____

Date of Determination: _____

1. Rationale for Determination:

- _____
- _____
- _____

Remedies (if applicable):

- If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies to the complainant and other persons identified as having had equal access to the recipient's education program or activity limited or denied by sex discrimination. The Title IX Coordinator will also take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.*

Restorative Justice Processes (if applicable)

Restorative justice is a process where the Respondent takes responsibility for their actions and works to repair the harm caused to the Complainant and the school community:

- Apology letter to the complainant
- Participation in a mediation session with the complainant

- Community service
- Participation in educational programs on consent and sexual harassment
- Counseling or therapy sessions
- Other: _____

Disciplinary Sanctions for Respondent (if applicable):

- In-school suspension for ___ days
- Short-term suspension for ___ days
- Long-term suspension for ___ days
- Expulsion for the remainder of the semester
- Expulsion into the next semester
- Expulsion for two full semesters
- Mandatory reassignment to: _____
- Other: _____

Note: Consequences of short-term suspension, long-term suspension, reassignment, and expulsion will also be provided with notice and process under state law.

Section 3: Notification and Appeals

5. Written Notification:

- Parties notified in writing of the determination.
- Rationale for determination included in the notification.
- Procedures and permissible bases for appeal included in the notification.

Appeal Process:

- Appeals may be initiated by submitting a written Notice of Appeal to the superintendent within three (3) calendar days of the party's receipt of the determination.
- The Notice of Appeal must include:
 - (a) The name of the party or parties appealing,
 - (b) The determination or dismissal being appealed, and
 - (c) A concise statement of the specific grounds for appeal.
- Appeals will be handled by an individual who did not take part in the investigation or initial determination.
- The appeal decisionmaker will notify the parties of the result of the appeal and the rationale for the result.

New KSB Language

- Disciplinary sanctions and remedies will follow state student discipline requirements.

I certify that the determination and actions documented above comply with all relevant portions of 34 CFR § 106.45(f) and § 106.46 (if applicable).

Decisionmaker's Name: _____

Signature: _____

Date: _____

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAA-E(13)
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Title IX Appeal Form

Parties wishing to appeal a determination or dismissal under the Title IX regulations and the school's policy must complete and submit this form within three (3) calendar days of receiving the determination or dismissal.

Name of Party Submitting Appeal: _____

Role in Case:

- Complainant
- Respondent

Contact Information:

Phone Number: _____

Email Address: _____

Mailing Address: _____

Grounds for Appeal (Check all that apply):

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination or dismissal was made, and that could affect the outcome of the matter.
- The Title IX Coordinator, investigator, or decision-maker 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.
- Other (please specify): _____

Description of Grounds for Appeal and Requested Outcome:

I certify that the information provided in this appeal is true and complete to the best of my knowledge.

Signature: _____

Date: _____

For Office Use Only

Date Appeal Received: _____

Appellate Decision-Maker: _____

• **Decision** (Check one):

- The appeal is granted, and the case is remanded for further investigation or reconsideration.
- The appeal is denied, and the original determination is upheld.
- Other (please specify): _____

• **Rationale for Decision:**

Appellate Decision-Maker's Signature: _____

Date: _____

REFERENCES

Adoption History

SECTION	A	TITLE	Foundations and Basic Commitments	FILE	ACAC
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Pregnant or Parenting Students

The District will not discriminate in its education program or activity against any student based on the student’s current, potential, or past pregnancy. Students who are pregnant or parenting are encouraged to continue participating in the district’s educational and extracurricular programs.

I. Accommodations Regarding Attendance and Participation

A. Generally

Students who anticipate deviations from their regular school experience or accrue absences due to pregnancy or parenting should notify their building principal as early as possible to discuss their educational programming. The building principal will work with the student to develop a plan to assist the student in participating in district curriculum and extra-curricular activities. Such a plan may include:

1. If the student cannot regularly attend classes, the provision of online courses;
2. The arrangement of meeting times with teachers;
3. If the student has not identified appropriate childcare, the identification of child care providers that meet statutory requirements for quality and care; and
4. All other curricular adjustments, modifications, and means of supplementing classroom attendance deemed appropriate by the school administrators including, but not limited to, modification of attendance policies.

B. Students with Disabilities

For students with disabilities who have an IEP or Section 504 plan, the administrators, student’s parents or guardians, and student if appropriate will collaborate with the student’s educational team to coordinate accommodations consistent with state and federal law. As permitted by law, students may be entitled to accommodations as a result of pregnancy.

C. Title IX

When a student, or a person with a legal right to act on a student's behalf, informs a District employee of the student's pregnancy or related conditions, the District will inform the student of the Title IX Coordinator's contact information. The employee will also inform the student that the Title IX Coordinator can coordinate actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

The District will make reasonable accommodations to the District's policies, practices, and procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. The District will coordinate reasonable modifications based on the student's individualized need. The District will consult with the student when determining what reasonable modifications may be appropriate, and the student has the discretion to accept or decline the reasonable modifications offered by the District.

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity. The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. Upon the student's return, the student will be reinstated to the student's academic status, and as practicable, to the extracurricular status that the student held when the voluntary leave began.

II. Accommodations Regarding Lactation and Breastfeeding

A. Accommodations

1. In order to accommodate lactating and breastfeeding students, the district will provide reasonable opportunities to express breast milk or breastfeed in a place, other than a bathroom, which is shielded from view and free from intrusion from district students, employees, and the public.
2. Students who wish or need to express breast milk on a regular schedule will work with school administrators to create a schedule which accommodates the student's needs while facilitating education to the maximum extent possible.
3. The district will provide a location for students to store expressed breast milk in or near the location designated for students to express milk to create the least amount of disruption to the student's participation in class or activities.

B. Educational Process

New KSB Language

In order to prevent interference with the educational process, no student shall express breast milk within school classrooms or buses. Nothing in this policy limits the authority of the administration to impose consequences consistent with the Student Discipline Act and other state and federal law.

REFERENCES

Adoption History

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.~~

~~**H. 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)

1. ~~“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.~~
2. ~~“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.~~
3. ~~“Dating violence” means violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. 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.~~
4. ~~“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.~~
5. ~~“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.~~
6. ~~“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.~~
7. ~~“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.~~

- ~~8. “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.~~
- ~~9. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.~~
- ~~10. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.~~
- ~~11. “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.~~
- ~~12. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - ~~a. fear for his or her safety or the safety of others; or~~
 - ~~b. suffer substantial emotional distress.~~~~
- ~~13. “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).~~
- ~~B. 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.~~
- ~~C. 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.~~

~~D. 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.~~

~~E. 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~~

- ~~1. 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.~~
- ~~2. 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.~~~~
- ~~3. 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.~~
- ~~4. 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.~~
- ~~5. Investigation of a formal complaint. 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, and the parties shall not have either burden;~~
 - ~~b. 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);~~
 - ~~c. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;~~
 - ~~d. 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.~~

~~e. 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.~~

~~6. 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.~~

~~7. 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.~~

~~8. 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.~~

~~a. 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.~~

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

~~c. 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.~~

~~9. 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.~~

~~10. The District's grievance procedure as set forth in ACAA-R: Sexual Harassment—Administrative Regulation, shall:~~

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

~~b. 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;~~

~~c. 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;~~

~~d. 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.~~

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

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

~~g. 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.~~

- ~~11. 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.~~
- ~~12. 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.~~
- ~~13. 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.~~
- ~~14. 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.~~
- ~~15. 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.~~
- ~~16. 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.~~
- ~~17. 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

- ~~1. 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:

- 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.~~

~~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
Federal Reference		First Reading—Revision-	2/12/2007
		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	10/1/2015
		Approved—Revisions-	10/13/2015
USC Title 20 §1092(f)(6)(A)(v)	Definition of Sexual Assault	First Reading—Revision-	8/14/2017
		Approved—Revision-	8/28/2017
USC Title 20 §1681-1688	Nondiscrimination on the Basis of Sex in Educational Programs and Activities	First Reading—Revision-	8/13/2018
		Approved—Revisions-	8/27/2018
		First Reading—Update-	10/26/2020
		Approved—Update	11/9/2020
USC Title 34 §12291(a)(8)	Definition of domestic violence	First Reading—Revision-	1/24/2022
		Approved—Revision	2/14/2022
USC Title 34 §12291(a)(10)	Definition of dating violence		
USC Title 34 §12291(a)(30)	Definition of stalking		
Policy Reference			
JF	Student Rights and Responsibilities		
JFA	Student Due Process Rights		
JFG	Student Conduct		
JFCG	Student Conduct on Buses		
JFGD	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 make 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 repetitive 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

**SEXUAL HARASSMENT COMPLAINT
APPEAL TO THE SUPERINTENDENT**

I/We appeal the Decision-maker's written determination regarding responsibility for the following reason(s):

[With specificity, the Party should state how or why the Party believes the written determination regarding responsibility is wrong, or why the Party is dissatisfied with such written determination.]

Lined area for providing reasons for appeal.

ATTACH A COPY OF THE DECISION-MAKER'S WRITTEN DETERMINATION.

***THIS APPEAL MUST BE FILED WITHIN TEN (10) CALENDAR DAYS OF RECEIPT OF THE DECISION-MAKER'S WRITTEN DETERMINATION, OR TEN (10) DAYS OF THE DEADLINE FOR THE DECISION-MAKER'S WRITTEN DETERMINATION, WHICHEVER COMES FIRST.**

Date _____
Appealing Party

Date Received _____
Superintendent

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

I/We appeal the Superintendent's written decision regarding responsibility for the following reason(s):

~~[With specificity, the Party should state how or why the Party believes the Superintendent's written decision regarding responsibility is wrong, or why the Party is dissatisfied with such Superintendent's written decision.]~~

~~ATTACH A COPY OF THE DECISION MAKER'S WRITTEN DETERMINATION, THE APPEAL TO THE SUPERINTENDENT (EXHIBIT ACAA-E(2)), THE SUPERINTENDENT'S WRITTEN DECISION (OR NOTICE OF THE SUPERINTENDENT'S FAILURE TO RENDER A WRITTEN DECISION).~~

~~*THIS APPEAL MUST BE FILED 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.~~

_____ ~~Date~~ _____ ~~Appealing Party~~

Date Received

Business Manager

SECTION	G	TITLE	PERSONNEL	FILE	GCB
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Qualifications of Teachers

Every teacher employed in this school system must possess a valid certificate issued by the South Dakota Department of Education.

Prior to beginning employment with the District, and every five (5) years thereafter, every teacher must complete an approved youth suicide awareness and prevention training that is at least one hour in duration, and submit to the District a certificate showing completion of the approved training.

REFERENCES

State Reference:
SDCL 13-43-5
ARSD 24-43-02-08

Policy Reference:
GCD - Professional Staff Hiring

Adoption History

First Reading	07/13/2015		
Approved	08/10/2015		
First Reading-Revision	06/30/2016		
Approved - Revision	07/14/2016		
First Reading - Review	04/24/2023		
Approved - Review	05/08/2023		

**Douglas School District 51-1
COMPLAINT AGAINST SCHOOL EMPLOYEE REPORT FORM**

Date Form Completed: _____

Form Completed by: _____

Person Filing the Complaint (Complainant): _____

Address/Phone # of Complainant: _____

Employee Involved: _____

Nature of Complaint: The person making the complaint shall with specificity identify when and where the employee conduct occurred, the conduct of the employee which is the basis of the complaint, witnesses, and any other pertinent information.

(use additional sheets if necessary).

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

Yes _____ No _____

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

If a meeting was not held, explain why not: _____

Resolution requested/sought by complainant: _____

_____ Date

Complainant

_____ Date

School Official ~~Completing the Report Form~~

Step 1 mutually agreeable resolution was reached: Yes _____ No _____

If resolution, manner in which the complaint was resolved:

Complainant (initial/date) _____ Employee (initial/date) _____

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

Yes _____ No _____ Complainant (initial _____) Date _____ Yes _____ No

_____ Employee (initial _____) Date _____

SECTION	K	TITLE	SCHOOL/COMMUNITY/ HOME RELATIONS	FILE	KL-R
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COMPLAINT PROCEDURE

STEP 1: Initial Complaint

A. The person having a complaint (“Complainant”) must initiate the complaint procedure within twenty (20) calendar days from the date the Complainant knew or should have known of the conduct of the Employee giving rise to the complaint. The person having the complaint regarding a school employee must initiate the complaint procedure in one of the following ways:

meet and discuss the concern with the Employee involved; OR
meet and discuss the concern with the Employee’s Supervisor .

- a. If the Complainant met with the Employee and the complaint was not resolved, the Complainant must meet and discuss the complaint with the Employee’s Supervisor within ten (10) calendar days of the meeting with the Employee. The **Complainant Supervisor** shall complete a Complaint Form, Exhibit KL-E(1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its content.
- b. If the Complainant initiates the complaint by meeting the Supervisor, the **Complainant Supervisor** shall complete a Complaint Form, Exhibit KL-E(1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its contents.

B. Upon the Complaint Form being signed and dated by the Complainant, the Supervisor shall give a copy of the complaint to the Employee and schedule an informal meeting with only the Complainant, Employee and Supervisor present. At the meeting, the Supervisor shall attempt to facilitate discussion between the Complainant and Employee by seeking clarification of the issue(s) and seeking a resolution to the complaint. Should a resolution be obtained, the resolution shall be noted on the Complaint Form. Should a resolution not be obtained, the Complainant and/or the Employee may request a decision by the Supervisor on the merits of the complaint by making the request on the Complaint Form.

C. If the Supervisor is asked to make a decision on the merits of the complaint, the Supervisor has the authority to investigate the complaint beyond the information received from the Complainant and Employee during the meeting with the Complainant, Employee and Supervisor. The Supervisor shall render a decision in writing within fourteen (14) calendar days of the request for a decision on the merits of the complaint. The time frame for rendering a decision by the Supervisor may be extended by the Supervisor for good cause and upon written notification to the Complainant and Employee, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and the Employee shall receive written notification of the Supervisor’s determination/ resolution.

SECTION	K	TITLE	SCHOOL/COMMUNITY/ HOME RELATIONS	FILE	KL-R
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COMPLAINT PROCEDURE

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

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

STEP 2: Appeal to the Superintendent

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

- A. The appeal shall be in writing using Exhibit KL-E(2). The appealing party must attach the Complaint and the Supervisor’s written decision, if a decision was rendered.
- B. Upon receipt of an appeal, the Superintendent will provide a copy of the appeal to the other party. Within five (5) calendar days, the other party may submit a written response to the appeal. The Superintendent shall provide a copy of the response to the appealing party.
- C. In the Superintendent’s sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant and Employee, (b) meet and discuss the matter with the Complainant, Employee and Supervisor, or (c) meet and discuss the matter with the Supervisor.
- D. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Employee; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant, Employee and Supervisor shall receive copies of the decision.

SECTION	K	TITLE	SCHOOL/COMMUNITY/ HOME RELATIONS	FILE	KL-R
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COMPLAINT PROCEDURE

The Superintendent may uphold, reverse or modify the Supervisor’s decision. The Superintendent may also refer the matter back to the Supervisor for further investigation. The Supervisor may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Supervisor, and the Supervisor rendered a second decision, that decision may also be appealed to the Superintendent.

- E. The Superintendent’s decision may be appealed by the Complainant to the School Board within (10) ten calendar days of receipt of the Superintendent’s written decision pursuant to Step 3. If the Superintendent does not render a written decision within the required time frame (14 calendar days unless extended) the Complainant may appeal to the School Board pursuant to Step 3.
- F. If the Employee believes the Superintendent’s decision constitutes a violation, misinterpretation or inequitable application of School Board policy or collective bargaining agreement applicable to the Employee, the Employee may file a grievance pursuant to the applicable grievance policy. A grievance filed pursuant to this provision shall be initiated at the Superintendent level.

STEP 3: Complainant’s Appeal to the School Board

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

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

SECTION	K	TITLE	SCHOOL/COMMUNITY/ HOME RELATIONS	FILE	KL-R
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COMPLAINT PROCEDURE

- E. 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 Complainant, Employee and 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, with the Complainant being given the first opportunity, followed by the Employee and then the Superintendent.
 - g. The Complainant shall present his or her case first, and the Employee shall then present his or her case. Both parties shall have the opportunity to ask questions of the other’s witnesses. The hearing officer and school board members may ask questions of any witness.
 - h. After the Complainant and the Employee have presented their respective cases, the Superintendent shall then present the basis of his/her decision which led to the appeal, if a decision was rendered. The Complainant and Employee shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent.
 - 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/ Chairperson, 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) (“This [school board hearing related to teacher contract nonrenewal] does not mandate nor necessitate the use of strict evidentiary rules.”).
 - k. Both parties shall be given the opportunity to make a closing statement, with the Complainant having the first opportunity, followed by the Employee, and then the

SECTION	K	TITLE	SCHOOL/COMMUNITY/ HOME RELATIONS	FILE	KL-R
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COMPLAINT PROCEDURE

Superintendent. The Complainant shall be given the opportunity for a brief rebuttal.

- l. After the evidentiary hearing, the School Board shall continue to meet in executive session for deliberations. No one other than the Hearing Officer may meet with the Board during deliberations. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of the Complainant, Employee and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
- m. Within twenty (20) calendar days of the hearing, the School Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to the Complainant, Employee and Superintendent. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.
- n. 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.
- o. If the Complainant is dissatisfied with the School Board’s decision, the Complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

Adoption History

BOE Approved 4/11/2016
Revised 3/11/2024

SECTION	G	TITLE	PERSONNEL	FILE	GBM
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STAFF ~~COMPLAINTS AND~~ GRIEVANCES

The Board of Education recognizes the need to develop an effective means for resolving differences that may arise among employees or between employees and administrators, other than discrimination and harassment; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration and Board of Education.

Grievance procedures should provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and each employee should be assured the opportunity for an orderly presentation and review of complaints and concerns. Channels established will provide for the following:

1. That teachers and other employees may appeal a ruling of a principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Board.

The procedures established for the resolution of grievances in agreements negotiated with employee bargaining units will apply only to “grievances” as defined in the particular agreement.

REFERENCES

State Reference:

[SDCL 3-18-1 & SDCL 3-18-1.1](#)

[SDCL 3-18-15 - 15.3](#)

Adoption History

First Reading	02/14/1985	Approved - Review	05/08/2023
Approved	03/14/1985		
First Reading-Revision	05/12/2008		
Approved - Revision	05/27/2008		
First Reading-Revision	10/01/2015		
Approved - Revision	10/13/2015		
First Reading - Review	04/24/2023		

SECTION	G	TITLE	PERSONNEL	FILE	GBM-R
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**STAFF ~~COMPLAINTS AND~~ GRIEVANCES
PROCEDURES**

DEFINITIONS:

- A “grievance” is a complaint by a person or group of persons employed by the Douglas School District 51-1, made either individually or by a duly authorized and recognized employee association through its representative, that there have been a violation, misinterpretation or inequitable application of any existing agreement, contract, policy, rule, or regulation of the School Board. Negotiations for, or a disagreement over, a nonexisting agreement, contract, policy, rule, or regulation is not a “grievance”.
- An “aggrieved person” is the person or group of persons filing the grievance.
- “Board” means the Douglas School Board.
- “Days” shall refer to calendar days. The day of delivery or notice shall not be counted as a calendar day as it pertains to the timelines.

PURPOSE:

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which may from time to time arise between employees and the District and to facilitate this purpose, the process will be kept as informal and confidential as may be, appropriate at any level of the procedure.

Nothing herein contained shall be construed as limiting the rights of any employee having a grievance to discuss the matter informally with any appropriate member of the administration, and having the grievance adjusted without the intervention of the employee association, provided the adjustment is not inconsistent with the terms of any settlement with the employee association then in effect. The employee or the administrator involved in the grievance may be represented by a representative at such an informal discussion.

PROCEDURE:

- It is important that grievances be processed as rapidly as possible. The number of days indicated at each level shall be the maximum and every effort should be made to expedite the process.
- If appropriate action is not taken by the employee within the time limit specified, the grievance will be deemed settled on the basis of the disposition at the preceding level. The time limits specified herein may be extended by mutual agreement, provided the time extension is requested within the time limits provided in the regulation.

- If an employee does not file a grievance in writing with the principal or other supervisor within thirty (30) calendar days after the employee knew, or should have known, of the act or condition on which the grievance is based, the grievance shall be considered as having been waived.
- A supply of grievance forms shall be on file with the building principal, and/or the immediate supervisor.

Informal Procedures:

If an employee has a complaint, he/she shall first discuss the matter with his/her immediate supervisor, principal, or other administrator to whom he/she is directly responsible in an effort to resolve the problem.

Formal Procedures:

Level 1 – School Principal, Immediate Supervisor or Other Administrator

- If an aggrieved person is not satisfied with the disposition of his/her problem through informal procedures, he/she shall submit his/her grievance in writing.
- Signed copies of the written grievance shall be delivered by the employee to the supervisor, principal or other administrator.
- An employee who is not directly responsible to a building principal may submit his/her formal written grievance to the administrator or supervisor to whom he/she is directly responsible.
- The administrator within ten (10) days of the filing of the grievance shall render his/her decision in writing to the aggrieved person.

Level 2 – Superintendent

- If an aggrieved person or the Board is not satisfied with the decision concerning his/her grievance at Level 1, or if no written decision has been rendered within ten (10) days, he/she shall, within ten (10) days after the decision is rendered, or within twenty (20) days after the grievance was presented at Level 1 whichever is sooner, resubmit his/her grievance in writing to the Superintendent.
- The Superintendent shall within ten (10) days from the filing of the written grievance meet with the aggrieved person for the purpose of resolving the grievance. The Superintendent shall, within ten (10) days after this meeting render his/her decision in writing to the aggrieved person.

Level 3 – Board of Education

- If the aggrieved person or the Board is not satisfied with the disposition of the grievance at Level 2, or if no written decision has been rendered within ten (10) days, he/she shall within ten (10) days or within twenty (20) days after the grievance was presented at Level 2, whichever is sooner thereafter resubmit the grievance to the business manager and the president of the School Board.

- At its next meeting or within twenty (20) days, whichever is sooner, the Board or its designated agent shall hold a hearing on the grievances. The decision of the Board shall be rendered in writing within ten (10) days after the hearing.

Level 4 – Arbitration

- If the aggrieved person is not satisfied with the disposition of the grievance at Level 3 or if no written decision has been rendered within the time period set forth in the preceding paragraph, he/she may, within ten (10) days after receipt of the written decision is due, whichever is earlier, appeal to the Department of Labor, pursuant to statute.
- The inclusion of this paragraph in this grievance procedure shall not constitute a waiver by either party of its rights to dispute the authority of the Department of Labor to hear the appeal and/or render any particular decision.

Miscellaneous

- If, in the course of investigation of any grievance by representatives of the complainant, such investigation requires their presence in a school building; they shall report immediately to the principal of such building being visited and state the purpose of the visit.
- Interruption of regularly assigned classes or activities shall be avoided and students shall not be included in any phase of the grievance procedure except with the mutual consent of both parties.
- Any party or parties in interest shall appear and may be represented at formal Levels One and Two of the grievance procedure by one representative. When the representative is not a member of the employee organization, the employee organization shall have the right to have one spokesperson present and to have that spokesperson state its views at the formal Levels One and Two of the grievance procedure except when the aggrieved person specifically requests the exclusion of all but the parties in interest and their respective representatives. At Level Three a maximum of three representatives, one of whom will be the spokesperson, may represent the aggrieved person or persons involved in a grievance.
- If, in the judgment of the employee organization, a grievance affects a group or class of employees, the organization may submit such grievance in writing to the Superintendent directly and the processing of such a grievance shall be commenced at Level Two. The employee organization shall designate not more than two spokespersons for the organization in processing such a grievance through the remaining levels of the grievance procedure. Provided, however, that the employee organization shall not be permitted to file or process a grievance with respect to an incident or occurrence on which an employee or group has already initiated a grievance.
- Meetings and hearings under this procedure shall not be conducted in public and shall include such parties and only such parties in interest and their designated or selected representatives heretofore referred to in this grievance procedure. The vote on the Board's decision on Level Three grievances shall be made in open session but the name of the aggrieved party shall not be disclosed.
- When it is necessary for a party or parties in interest to attend a board meeting or a hearing called during the working day, the Superintendent's office shall so notify the party or parties in interest, principals or immediate supervisor, and the party or parties in interest shall be

released without loss of pay for such time as their attendance is required at such meeting or hearing.

- At all hearings conducted under this procedure, the aggrieved person and the administrative representative may call witnesses and present evidence that is relevant to the matter being considered. The Board may request that other witnesses be called for questioning by the parties.

Adoption History			
Revised	03/26/2018		
Revision	05/08/2023		

SECTION	I	TITLE	INSTRUCTION	FILE	IKFC
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ALTERNATIVE HIGH SCHOOL CREDIT ATTAINMENT

Alternative Credit Attainment programs represent an opportunity for students to earn high school credit through an approved examination, online curriculum, mail correspondence, or other delivery method. **The District’s primary goal is to provide face-face instruction for Douglas students. In extreme circumstances, other options will be considered on a case-by-case basis by district administration. Any parents and students who have extreme circumstances may contact their school principal for information. See Form (IKFC-E)**

The Douglas School District supports these programs as valuable options for students to earn credit toward graduation when, upon mutual of the DHS principal or designee, student's teachers, school guidance counselor and parents/guardian or student if age 18 or older and if one or more of the following apply:

- The enrollment is in the student’s best interest.
- The coursework aligns with District instructional goals.
- The coursework is provided through an accredited institution or program.
- The coursework is approved by the South Dakota Department of Education.
- The course is not currently offered within the regular curriculum.
- The high school offers the course within the regular curriculum, but the student is unable to take it due to an unavoidable scheduling conflict.
- The course may serve as a supplement to extended homebound instruction.
- The District has suspended or expelled the student from the regular school setting, but educational services are to be continued.

REFERENCES

State Reference:
[ARSD 24:43:01:01\(8\)](#)
[ARSD 24:43:01:01\(51\)](#)
[ARSD 24:43:08](#)
[ARSD 24:43:11\(09\)](#)

Policy Reference:

Adoption History

First Reading	5/24/2010		
Approved	6/12/2010		
Reviewed	6/10/2024		

SECTION	I	TITLE	INSTRUCTION	FILE	IKFC - R
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ALTERNATIVE HIGH SCHOOL CREDIT ATTAINMENT

GENERAL

- Students taking such opportunities must be enrolled in the district.
- Credit may only be issued if obtained through an accredited provider approved by the South Dakota Department of Education (ARSD: 24:43:12:10).
- Credit for coursework may only be posted to the official Douglas High School (DHS) transcript with prior written approval of the high school principal or designee.
- Alternatively earned grades will not replace any previous grade appearing on the transcript.
- Credit must be earned and grade issued by the provider prior to the date of graduation in order to be considered for purposes of participation in graduation ceremonies.
- The Douglas School District will not assume any cost related to distance learning courses unless specifically approved by the superintendent as a necessary alternative education placement (Douglas District Policy IGBH, Alternative School Program).

ALTERNATIVE CREDIT OPTIONS

End-Of-Course Assessment (EOC): A proficiency examination given at the conclusion of a course.

- The student must have completed the course in order to qualify for this option.
- Students must receive permission from the DHS principal or designee prior to testing.
- A score of 80% or better is required for receipt of credit.
- Students may take this examination no more than twice.
- EOC credit shall be placed on the DHS transcript as a letter grade.
- The grade will be calculated into Grade Point Average and class rank.
-

Equivalency Examination: A proficiency test given in lieu of taking a course.

- Students may attempt equivalency examinations only if enrolled in at least grade nine.
- Students must receive permission from the DHS principal or designee prior to testing.
- A score of 85% or better is required on the examination for receipt of credit.
- The examination may be taken once only.
- Equivalency credit will be placed on the transcript as P (Pass).
- No grade or credit will be transcribed if a student fails to earn a 85% or better.
- Students may petition, in writing, to the high school principal or designee to utilize the
- assessment letter grade on the DHS transcript. The grade will be calculated into GPA and class rank.

Online and Correspondence courses: Any course made available through a carrier approved by the South Dakota Department of Education.

- All online and correspondence courses **must may** be offered through South Dakota Virtual School

SECTION	I	TITLE	INSTRUCTION	FILE	IKFC - R
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<p>(http://sdvs.k12.sd.us).</p> <ul style="list-style-type: none"> ● Students must coordinate enrollment with DHS prior to registering online. ● Online and correspondence credit and grade issued by the provider will be placed on the high school transcript. ● The grade will be calculated into GPA and class rank. <p>PROCESS</p> <p>Students desiring to attempt alternative credit will do the following:</p> <ul style="list-style-type: none"> ● Meet with a high school counselor to assess need and ability to succeed in the alternative format. ● Complete the steps outlined on Form IKFC-E securing all necessary signatures. ● Adhere to all district and school policies and procedures. ● Adhere to Douglas District Appropriate Use Policies.

Adoption History			
Revised	September 2010		
Reviewed	6/10/2024		

Douglas School District 51-1 Edgenuity – Online/Hybrid Learning Agreement

Parent/Guardian: Complete this page and take it to the school office to indicate your desire for the student listed below to participate in the Edgenuity Online/Hybrid Learning Program. Enrollment must be approved by the building principal and an authorized District Administrator. This request is for the current school year: _____

Student Name	Student Email Address (Grades 6 – 12)	Date of Birth	Grade Level	IEP/504 Indicate, if applicable
Parent/Guardian Name:		Relationship:		
Parent/Guardian email:				
Full Mailing Address:				
Parent Phone:		Student Phone:		

Parents: Please review and sign:

My signature below indicates that I agree to the following terms and conditions:

- Y N I have a computer and high-speed internet access. (Tablets are not compatible with the platform.)**
- Y N I will be a learning coach for my child and understand that active participation is required by me.**
- Y N I will oversee and routinely check my child’s progress and will communicate with the Edgenuity teacher at DHS.**
- Y N I understand that lack of adequate progress can result in my child being removed from the Edgenuity program.**
- Y N I understand that Edgenuity uses a third-party curriculum and does not have a way to modify lessons.**

Students: Please review and sign:

My signature below indicates that I agree to the following terms and conditions:

- Y N I understand that the Edgenuity program is a virtual high school program and that DAILY completion of lessons is expected.**
 - Y N I understand that lack of adequate progress can result in me being removed from the Edgenuity Program.**
 - Y N I understand that I must report to Douglas High School for state mandated testing in the spring.**
 - Y N I understand that plagiarizing assignments will not be tolerated and may lead to withdrawal from the Edgenuity program.**
- The above information provided is true and accurate.**

Parent/Guardian’s Name – printed	Parent/Guardian’s Signature	Date
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Student’s Name – Printed	Student’s Signature	Date
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Please provide a justification for student’s participation in online/hybrid learning: (continue on another sheet, as needed)

Edgenuity – Online/Hybrid Learning Agreement

THIS SECTION FOR DISTRICT USE ONLY

Application received by : _____ Date: _____

Interview Scheduled: Date: _____ Time: _____

Please complete the section below indicating your approval for the student listed on page 1 to participate in Edgenuity Online/Hybrid Learning. This includes acknowledgement that the student listed is enrolled in the Douglas School District.

Program Details (Class schedule per counselor): _____

School Counselor Signature: _____ Date: _____

Special Education Administrator: If the student is receiving special education services, complete the section below to indicate your approval for the student listed on page 1 to participate in Edgenuity Online/Hybrid Learning, with the acknowledgement that the Edgenuity Program does not provide special education services.

Director of Special Services Signature: _____ Date: _____

Principal Signature: _____ Date: _____

Superintendent or designee Signature: _____ Date: _____

School Personnel: Upon approval, complete the following process:

Student has current enrollment in Infinite Campus	Who's responsibility?
Change enrollment code in Infinite Campus	
Add to Virtual High School Class Roster	
??? other steps	do we need to address withdrawal process?
Copy to: [] Student/Parent [] Student File [] Counseling Office	

BOE Approved (date)

SECTION	I	TITLE	INSTRUCTION	FILE	IIBG
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USE OF COMPUTERS AND NETWORKS

Access to the internet is available to students and teachers of the school district to use for educational and administrative purposes. The goal of the district through online resources is to promote educational teaching and learning by facilitating resource sharing, innovation and communication within our own community, our nation and worldwide. The use of all technology resources is a privilege, not a right.

With the access of online resources comes the availability of material that may not be considered to be of educational value in the context of the school setting. The district shall make every effort to restrict access by adults and minors to inappropriate materials, yet it is impossible to control all materials and an industrious user may discover controversial information. The district will maintain a technology protection measure by way of web content filters or blocks to limit minors' ability to access obscene matter or materials on the Internet when using the District's network or device.

For the purposes of this policy, obscene matter or materials is defined as material:

- The dominant theme of which, taken as a whole, appeals to the prurient interest, which is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters; and
- Patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
- Lacks serious literary, artistic, political, or scientific value.

Internet users, like traditional library users, are responsible for their actions in accessing online resources.

The administration will formulate the necessary regulations to carry out the policy of acceptable Internet use and the consequences if violations occur. The regulations shall insure proper use of district networks and the Internet by students, staff members, and members of the community.

This policy will be published on the district's website..

REFERENCES

Policy References: Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

State References Description

- SDCL 22-24-27 Obscenity and public indecency - definition of terms
- SDCL 22-24-55 Restrict access to obscene materials

Adoption History

SECTION	I	TITLE	INSTRUCTION	FILE	IIA
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INSTRUCTIONAL MATERIALS

The Board believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the Board subject to budgetary constraints.

The task of selecting instructional materials and programs will be delegated to the professional staff of the school system.

INSTRUCTIONAL MATERIAL CRITERIA

Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the Board:

1. They must present balanced views of international, national, and local issues and problems of the past, present and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic, and ethical values.
3. They must help students develop abilities in critical reading and thinking.
4. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, or physical disabilities.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.

The District will not select obscene instructional matter or materials. For the purposes of this policy, obscene matter or materials is defined as material:

- The dominant theme of which, taken as a whole, appeals to the prurient interest, which is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters; and
- Patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
- Lacks serious literary, artistic, political, or scientific value.

This policy will be published on the district's website.

Sample ASBSD Policy

REFERENCES

State References	Description
SDCL 22-24-27	Obscenity and public indecency - definition of terms
SDCL 22-24-55	Restrict access to obscene materials
Cross References	Description
KLB	PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

Adoption History

SECTION	I	TITLE	INSTRUCTION	FILE	IIAC
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LIBRARY MATERIALS SELECTON AND ADOPTION

The Board endorses the School Library Bill of Rights, as adopted by the American Library Association, ~~which asserts that the responsibility of the school library is to:~~ In selecting library materials, the District will:

1. Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
2. Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
3. Provide a well-balanced and broad collection of materials that will enable students to make informed judgments in their daily lives.
4. Provide materials representing different viewpoints of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking.
5. Provide diversity in materials, representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

The District will not select obscene library matter or materials. For the purposes of this policy, obscene matter or materials is defined as material:

- The dominant theme of which, taken as a whole, appeals to the prurient interest, which is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters; and
- Patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
- Lacks serious literary, artistic, political, or scientific value.

Initial purchase suggestions for library materials may come from all personnel—teachers, coordinators, administrators. Students will also be encouraged to make suggestions. The librarian will be responsible for evaluation and recommendation of all library materials recommended to be included in the school library. Selection will be assisted through the use of preview examinations, recommendations, research data, and standard evaluation aids. Final approval and authority for distribution of funds will rest with the ~~Director of Library Services~~ building principal, subject to approval of the Superintendent or designee and in keeping with the Board approved budget.

Criteria for Materials Selection

Selection of library materials will be based on:

- Relevancy or permanent value
- Accuracy
- Authoritativeness
- Readability
- Clear presentation and format
- Educational significance
- Need and value to the collection
- Age appropriateness
 - Elementary (grades PK-5, ages 0-10)
 - Middle School (grades 6-8, ages 10-13)
 - High School (grades 9-12, ages 13-17)

Gifts of library books will be accepted in keeping with the above policy on selection. Complaints about library books will be handled in line with Board policy on complaints about instructional materials. **The challenged material will continue to be used during the reconsideration process, unless the Superintendent suspends its use. Decisions on reconsidered materials will be binding for three (3) years before new requests for reconsideration of those items will be entertained.**

Three (3) years must pass before material that has been censored or banned can be reinstated, or considered for reinstatement. After that time, the board may entertain a request by a parent/guardian, student, citizen, librarian or other district employee to consider reinstatement of the materials previously banned or censored.

This policy will be published on the district's website.

REFERENCES

Policy Reference:

[KLB](#) - Public Complaints about Curriculum or Instructional/Library Materials

Adoption History

First Reading	10/13/2015		
Approved	10/26/2015		
First Reading-Revisions	5/28/2024		
Approved-Revisions	6/10/2024		

SECTION	I	TITLE	Instruction	FILE	IIBGA
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DISTRICT ASSIGNED COMPUTERS

This policy applies to District owned technology assigned to students. The equipment will be used to fulfill requirements of school programs. To ensure assigned devices are used to their fullest benefit and in an appropriate capacity, the Superintendent, or a designee, has developed an Acceptable Use Agreement.

The Agreement will:

1. Express and acknowledge responsibility for the care and use of District property;
2. Inform students and parents of the consequences of any violation of the District Acceptable Use Policy (IIBGB-R) which could include restricted device privileges; and
3. Identify that abuse, damage, negligence, or loss of this equipment will result in an assessment of cost to the student (user); criminal prosecution and/or civil liability may also result.

A non-refundable technology use fee must be paid, and the Acceptable Use Agreement must be filed, prior to device assignment and check out. Students must have a parent or legal guardian sign the Acceptable Use Agreement. Families experiencing financial hardship may complete a Financial Assistance Waiver (IIBGA-E(2)) which if approved, will waive the non-refundable fee for that school year.

The Superintendent, or designee, is responsible for establishing and maintaining an asset management system to inventory all District technology, maintain records of signed Acceptable Use Agreements, manage the Technology Use Fee account, and delegate responsibilities to the schools for collection of payments of fees made towards repairs and/or replacement of damaged or lost devices.

REFERENCES

Policy Reference:
[IIBGB](#) - Internet Access and Technology Use
~~IIBGB-R~~ [IIBGA-E \(1\)](#) Acceptable Use Policy

Adoption History

First Reading	10/13/2015	First Reading-Revision	3/11/2024
Approved	10/26/2015	Approved-Revision	3/25/2024
First Reading-Revision	8/10/2020		
Approved	8/24/2020		
First Reading - Review	8/22/2022		
Approved - Revision	9/12/2022		

SECTION	I	TITLE	INSTRUCTION	FILE	IIBGB
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INTERNET ACCESS AND TECHNOLOGY USE

~~Douglas School District provides all teachers and students with access to the internet and other related technology. The District understands that developing responsible technology skills is essential for lifelong learning. The goal in providing users with access is to promote educational excellence by facilitating resource sharing, innovation, and communication.~~

~~Electronic networks connect millions of devices and individual subscribers around the world. Access to computers and people around the world expands the availability of information to support the Douglas School District curriculum. Appropriate use of the District network to research and obtain materials that relate directly to the District curriculum provides students the best education possible.~~

~~Information network accounts are provided to support classroom lessons and research consistent with the educational objectives of the District. Information/electronic network connections include, but are not limited to: internet, electronic mail, discussion groups, databases, computer software, and informational sources such as libraries and museums.~~

~~Internet users are responsible for their actions in accessing online resources. The administration will formulate the necessary regulations to carry out the policy of acceptable internet use and consequences if violations occur. All users are bound by the District Acceptable Use Policy and are responsible for their actions while online.~~

INTERNET SAFETY INSTRUCTION

The Board is committed to providing a safe learning environment that prepares students for a rapidly changing world. To ensure that students safely and appropriately benefit from the District's technology resources, the District shall provide internet safety instruction to all students. The District's internet safety curriculum shall include, but is not limited to:

1. Instruction conveying appropriate online behaviors and online social interaction; and
2. Instruction promoting cyberbullying awareness and the ways in which the District responds to cyberbullying.

REFERENCES

State Reference:

FCC Order and Report 11-125
 SDCL 22-24-55

Policy Reference:

SECTION	I	TITLE	INSTRUCTION	FILE	IIBGB
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Adoption History			
First Reading	8/28/1995		
Approved	9/11/1995		
First Reading-Revisions	9/22/1997		
Approved-Revisions	10/13/1997		
First Reading-Revisions	9/14/1998		
Approved-Revisions	9/28/1998		
First Reading-Revisions	2/24/2003		
Approved-Revisions	3/12/2003		
First Reading-Revisions	5/12/2003		
Approved-Revisions	5/27/2003		
First Reading-Revisions	11/14/2005		
Approved-Revisions	11/28/2005		
First Reading-Revisions	12/14/2009		
Approved-Revisions	1/11/2010		
First Reading-Revisions	11/22/2010		
Approved-Revisions	12/13/2010		
First Reading-Revisions	10/13/2015		
Approved-Revisions	10/26/2015		
Reviewed	6/10/2024		

Board Policy

SECTION	I	TITLE	INSTRUCTION	FILE	IIAA
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EDUCATIONAL MATERIALS ACQUISITION AND EVALUATION

~~The Board will officially adopt textbooks and textbook programs for use in the District schools upon the recommendation of the Superintendent.~~

~~Responsibility for the review and selection of textbooks to be recommended will rest with textbook and/or curriculum committees as appointed by the Superintendent or the Superintendent's designee. Membership on such committees shall include representation by teachers who will use the texts, administrators, and other staff members as found desirable. Students and parents may be asked to serve.~~

~~Principles that apply generally to the selection of the instructional materials and library materials will apply to the selection of textbooks and books. The State Board of Education will have the power to review any books or other instructional material selected for use in the District schools. Additionally, basic textbooks and textbook programs will be chosen:~~

- ~~1. To advance the educational objectives of the school system and particular objectives of the course or program;~~
- ~~2. To contribute toward continuity, integration, and articulation of the curriculum;~~
- ~~3. To establish a general framework for the particular course or program.~~

~~Because the instructional purposes of textbooks, as stated above, are of such importance, particular care will be taken in their selection as to content.~~

~~TEXTBOOK CONSIDERATIONS~~

~~Although many points must be examined, the Board directs the staff to be particularly mindful of the following considerations:~~

- ~~1. The needs of all learners must be provided.~~
- ~~2. Insofar as possible, multi-ethnic materials which depict a pluralistic society should be selected.~~
- ~~3. Attention should be given to sex roles depicted in the materials.~~
- ~~4. The textbook or textbook program should lead the student and teacher beyond the textbook into a wide variety of other materials and educational experiences.~~
- ~~5. If the textbook deals with problems and issues of our times, it should present and encourage examination of all points of view.~~
- ~~6. Because textbooks are selected for several year's use, special attention shall also be given their physical characteristics, durability, format and price.~~

~~Interpreting these principles in the selection of material, the following will apply:~~

Board Policy

SECTION	I	TITLE	INSTRUCTION	FILE	IIAA
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- ~~1. We believe it is the right and responsibility of teachers and librarians to select material which is carefully balanced so that various points of view on any subject are included.~~
- ~~2. Since materials are selected to provide for the interest and needs of the students, school community, and the school program, they will be selected utilizing the input of students, teachers, principals, librarians, and parents. Community members may be included if available.~~
- ~~3. Selection of materials will be assisted through the use of preview examinations, recommendations, research data, and standard evaluation aids.~~
- ~~4. Three factors will be considered in the selection of materials. The first is factual accuracy, authoritativeness, balance, and integrity. The second is artistic and literary merit in format, style, creativity, imagination and vision. The third is the alignment with State and National standards.~~
- ~~5. Materials shall be examined to select those in which the presentation and the subject matter are suitable for the maturity and the interest level at which they are to be used. They will be considered in relation both to the curriculum and to the personal interests of students and teachers and based upon current research.~~
- ~~6. When selection of the top publishers of textbooks and related material is accomplished, parents will be notified that those materials are available for review in the Box Elder/Douglas Community Library. Patrons will be given an opportunity to give feedback and comments.~~
- ~~7. Recommended textbooks and related materials will be displayed in the Box Elder/Douglas Community Library for a period of two (2) weeks prior to consideration for adoption by the Board of Education.~~
- ~~8. Upon approval by the Subject Area Committees, a list of textbooks and related materials is submitted to the Curriculum Coordinating Committee for review and recommendation to the Board by the Superintendent.~~
- ~~9. Gifts and free materials will be accepted or rejected for inclusion in the district's library/media collection by using the above criteria as a guide.~~
- ~~10. Core textbooks and curriculum guides shall be made available for public inspection in the Box Elder/Douglas Community Library.~~
- ~~11. Digital, as well as other non-print materials/resources adopted for use as core resources, are subject to the same evaluation criteria as noted above.~~
- ~~12. Teachers utilizing any resources to supplement the "core" materials are to use their best judgment as to how these resources support student acquisition of District learning standards. These are, however, not to supplant the adopted resources, but support them.~~

REFERENCES

State Reference:

Policy Reference:

~~Box Elder DOUGLAS SCHOOL DISTRICT South Dakota Administrative Regulation~~

~~Section I Instruction File: HBGB-R~~

~~**ACCEPTABLE USE POLICY (AUP)**~~

~~For Staff, Students, Board Members and Designated Agents
As It Pertains to the Use of All District Technologies~~

~~1. OVERVIEW~~

~~The purpose of the Douglas School District Acceptable Use Policy is to provide policy and direction for all users in the safe and effective use of District technologies as resources to meet the mission needs of the District. District technologies include, but are not limited to, the following in their entirety, District networks and activity thereunto such as electronic correspondence (i.e. chat, email, social media use), file sharing and downloads and, Internet use; District computers, computer devices and associated hardware, and software; District printers/copiers/scanners; District servers and hosted applications; District stored system and user data and files (local and virtual) to include, optical media and digital images; other District hardware to include projectors, smart displays, communication equipment (phones, radios, PA systems) and new technologies as they become available.~~

~~The Douglas School District and the State of South Dakota do not guarantee uninterrupted access or error-free use of these technology resources, nor do they make any warrant as to the accuracy or quality of the information obtained through these resources. Access to State and District networks are provided “as is” without warranties, but the District is regularly partnering with the State to constantly improve network performance and security. Nether the District nor any of its agents or employees shall be liable for any direct, indirect, incidental, special, or consequential damages arising out of the use of or inability to use District technologies.~~

~~In compliance with the Children’s Internet Protection Act [Pub. L. No 106554 and 47 USC 254(h)] and related State laws, the District operates a technology protection and security measure that filters internet and network activity of users on District computers. The measure protects students and all District users from content that is abusive, obscene, profane, sexually explicit, threatening, illegal or pertains to pornography. Personal use devices, as permitted by building managers, may only connect to the Douglas’ Bring Your Own Device (DSD-BYOD) wireless network using State credentials, and are filtered to a lesser degree, the exception being any encrypted data exchanges are not decrypted and therefore are not filtered by District’s technology protection and security solution.~~

~~2. GENERAL DIRECTIONS~~

- ~~a) All District staff, students, board members, and designated agents, heretofore referred to as District Users or Users, are required to follow the District’s Acceptable Use Policy. All District users are responsible for their efficient, ethical, and lawful use of District technology resources.~~

~~Box Elder DOUGLAS SCHOOL DISTRICT South Dakota Administrative Regulation~~

~~Section I Instruction File: HBGB-R~~

- ~~b) Access to technology resources is a privilege and not a right.~~
- ~~c) Persons using the District network shall have no expectations of privacy or confidentiality in the content of electronic communications or other computer files sent and received on the District network.~~
- ~~d) Students will be provided access to various forms of electronic media and communication solutions first approved by principal and the Technology Coordinator (TC), and must also be determined to be in support of education and research and in support of the educational goals and objectives of the Douglas School District.~~
- ~~e) The transmission of any material that is in violation of any federal or state law is prohibited. This includes, but is not limited to the following: classified or confidential information; personally identifiable information; copyrighted material; intellectual property, threatening or obscene material; and computer viruses.~~
- ~~f) Any attempt to alter data, the configuration of a computer, or the files of another user, without the consent of the individual and /or technology coordinator, will be considered an act of vandalism and subject to disciplinary action.~~
- ~~g) Inappropriate use of access privileges will result in disciplinary action and may result in access restrictions or cancellation of privileges. When appropriate, violations will be reported to law enforcement officials. Cancellation of access does not eliminate the requirement of obtaining information for completing an assignment, a job, or necessary communication.~~
- ~~h) Security of all networks connected to the District are of highest priority. Anyone observing a security problem or infraction of policy on the District network shall notify District administration. Any person identified as a security risk or having a history of infractions against District technologies and associated policies may be denied access to the District technology resources.~~
- ~~i) Annually, in writing, the parent/guardian shall notify building administrators if the parent/guardian does not want their child to independently use the Internet. This does not apply to direct classroom instruction where the teacher uses the Internet as classroom demonstration or in a situation where the students are using computers and being supervised by District staff in the direct use of specific Internet sites as part of the class curriculum. The annual notification expires with the school year.~~

~~3. PROPER USE OF DISTRICT NETWORK AND COMPUTER SYSTEMS~~

~~Proper use of computer networks requires that District staff, students, and designated agents abide by the following guidelines. Users shall:~~

- ~~a) be responsible for all use of the network under their accounts;~~
- ~~b) immediately notify the District (Help Desk) if the person suspects any unauthorized use of their account;~~
- ~~e) be responsible for any costs, fees, charges, or expenses incurred under the person's account number in connection with the use of District technologies and/or its network except for such costs, fees, charges, and expenses as the District explicitly agrees to pay;~~

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- ~~d) avoid anonymity when communicating through electronic resources, unless authorized by the District or completing professionally-related surveys;~~
- ~~e) develop web-based content only to fulfill course or school-related activity; association to the student's name, school, or program only if written authorization has been obtained from the student's parent/guardian through the District's registration form or other written consent (first name, last initial is recommended for identifying students);~~
- ~~f) ensure that student information shared electronically complies with the Family Education Rights and Privacy Act (FERPA), as well as the District student records policy JO and regulation JO-R;~~
- ~~g) abide by all District policies and regulations when accessing personal email accounts or other forms of direct electronic communications via the District network;~~
- ~~h) not send, share, access, or retain any abusive, defamatory, obscene, profane, sexually explicit, pornographic, threatening, or illegal material;~~
- ~~i) not transmit copyrighted material without the express consent or authorization of the owner of copyrights;~~
- ~~j) not disclose passwords;~~
- ~~k) not intentionally damage equipment or software or intentionally attempt to harm or destroy data of another person. This includes, but is not limited to "hacking" and the loading or creation of computer viruses. Responsible parties will be culpable for damages or the cost of correcting the problem; school discipline action may be taken and may result in access restrictions to District technologies and as appropriate, law enforcement officials will be involved;~~
- ~~l) not install equipment on or make modifications to the District technologies without pre authorization from the Technology Coordinator;~~
- ~~m) not utilize proxy, VPN or other means to circumvent the District's firewall or content filter;~~
- ~~n) use only District provided and supported hardware on the District network; exceptions for outside guests are to be directed to the Technology Department's Help Desk; exceptions for staff owned technology are limited to wireless connection through the DSD BYOD WiFi network; exceptions for student-owned technology require school approval and are limited to wireless connection through the DSD BYOD Wi-Fi network; all other requests for exceptions are to be directed to Technology Department via the user's building supervisor for evaluation/consideration. The District is not responsible for loss of personal property due to damage or theft;~~
- ~~o) only download files including but not limited to: music or video for instructional purposes;~~
- ~~p) have access to games for instructional purposes only; requests are to be directed via building supervisor to the Technology Coordinator;~~
- ~~q) have access to otherwise blocked/ restricted sites for instructional purposes only (in the case of students); requests are to be directed via building supervisor to the Technology Coordinator;~~
- ~~r) have access to Voice over Internet Protocol (VoIP) services (i.e.: SKYPE) for business or~~

~~instructional purposes only; Page 3 of 5~~

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- ~~s) not install and operate peer-to-peer networking software~~
- ~~t) not use personal device hot spots (i.e. connection to cellular) for District computers/devices;~~
- ~~u) not connect personal devices physically or wirelessly to Douglas technologies except as prescribed below for Wi-Fi BYOD; and~~
- ~~v) follow the prescribed user group connections for Wi-Fi connections to Douglas' wireless network;~~
 - ~~(1) DSD2.4—This network is dedicated to school computers and other school wireless devices and requires authentication of the user through the user's State credentials, a username (two letter, three number string), and a password.~~
 - ~~(2) DSD BYOD—School registered students and active staff employees may connect their personal device to the District's Bring Your Own Device (BYOD) network if first approved to do so by their school (students only) and second, by entering their State K-12 credentials (username and password); and lastly, agreeing to the Douglas AUP. Personal devices may not connect to DSD2.4.~~
 - ~~(3) DSD Guest—Guest presenters, professional visitors and commercial vendors are examples of appropriate guest users. All users of the Guest network must first have sponsorship to gain network access, and secondly, must agree to the Douglas AUP; guests may connect personal or non-DSD work devices to the DSD Guest network upon sponsor approval; DSD Guest is only enabled and visible when requested by the sponsor; make requests to enable 24 hours in advance. Guests may not connect to DSD2.4.~~

~~4. EDUCATIONAL USE OF DISTRICT TECHNOLOGY RESOURCES~~

~~Online communication and network resources are critical to 21st Century teaching and learning. The network and technology resources are considered an extension of the classroom. An educator's primary responsibility is to develop students who are fully prepared to communicate effectively, ethically, and safely. Teachers will provide developmentally appropriate guidance to students using telecommunications and electronic information resources related to the District curriculum. Appropriate online behavior curriculum related topics include: cyber bullying, social networking, and chat rooms.~~

~~Teachers may allow students to use forms of online collaboration such as social networking, instant messaging, wikis, blogs, and email for educational purposes only and with proper supervision. Proper supervision shall include the teachers organizing the collaboration, having documentation of the identities of participating students, being able to monitor the account, and controlling account membership within a closed educational community.~~

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~~5 ETHICAL USE OF DISTRICT, PUBLIC, OR PRIVATE TECHNOLOGY RESOURCES~~

~~Ethical behavior requires that District staff, students, board members and designated agents show consideration and respect to others whenever using District technologies / electronic communications resources or representing the District. When interacting with each other or external parties, whether in a formal or informal capacity, District users shall:~~

- ~~a) not include in electronic communication comments or content that would not be acceptable in a face-to-face communications;~~
- ~~b) not harass or bully;~~
- ~~e) be free of language with profanity or insult;~~
- ~~d) not disclose, use, or disseminate unauthorized personal information of another person; e) distinguish between personal social networking sites and professional social networking sites. Specifically, District board members, staff and agents shall not invite to, nor accept invitation from current District students to personal social networking sites. The exception being when staff have current student relatives; and~~
- ~~f) evaluate all information for its accuracy, reliability, and authority.~~

~~Disciplinary action may be taken against staff or students whose off-site communication causes a substantial disruption to the education environment or substantially interferes with another's rights. Criminal action may be taken if the off-site communication constitutes a threat.~~

~~6. GENERAL DISCIPLINARY ACTIONS~~

~~Any employee/agent or student who violates this AUP policy may be subject to disciplinary action, which may include dismissal. When appropriate, violations will be reported to law enforcement officials. Cancellation or limiting of District technology access does not eliminate the requirement of obtaining information for completing an assignment, a job, or necessary communication.~~

~~RELATED POLICIES:~~

~~HBGB — Electronic Networking Access and Technology~~

~~JG — Student Discipline~~

~~JO /JO-R — Student Records~~

Delete - Addressed in Policy IIBGA-E(1)

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