

Students

NEPN Code	Title of Policy	Next Scheduled Review
J	Description	FY2026
JA	Student Goals	FY2026
JC	School Attendance Areas	FY2026
JEA	Compulsory Attendance Ages	FY2026
JEAA	Students Alternative Instruction	FY2026
JEB	Entrance Age	FY2026
JEC	School Admissions	FY2026
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JECAC	Transfer from an Accredited School	FY2026
JECB	Open Enrollment	FY2026
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JECC	Assignment of Students to Schools	FY2026
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JEE	Student Attendance Accounting	FY2026
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JEG	Exclusions and Exemptions from School Attendance	FY2026
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JFC-R	Arlington Cardinal Code of Ethics	FY2026
JFCA	Student Dress Code	FY2026
JFCA - R	Arlington's Student Dress Code	FY2026
JFCB	Gangs	FY2026
JFCC	Student Conduct on School Buses	FY2026
JFCD	Bullying	FY2026
JFCH	Alcohol and Other Drug use by Students	FY2026
JFCI	Voluntary Random Drug Testing	FY2026
JFCJ	Dangerous Weapons in the School	FY2026
JFCK	Cell Phones and Portable Digital Media Devices	FY2026
JFCL	Student Registered Sex Offenders	FY2026
JFEE	Participation in Work Study Programs	FY2026
JFEE-R(1)	Participation in Work Study Programs (Regulation)	FY2026
JFG	Interrogations and Searches	FY2026
JFH	Student Complaints and Grievances	FY2026
JG	Student Discipline	FY2026
JGA	Prohibition of Corporal Punishment	FY2026
JGB	Restraint and Seclusion	FY2026
JGD	Student Suspension and Expulsion	FY2026
JGD-E(1)	Notice of Hearing for Long-Term Suspension or Expulsion	FY2026
JGD-E(2)	Hearing Waiver	FY2026
JGD-E(3)	Findings of Fact	FY2026
JGD-E(4)	Suspension Notice to Parent of SPED Student	FY2026
JGD-R(1)	Student Suspension and Expulsion --Procedures (Regulation)	FY2026
JHC	Student Health	FY2026
JHCA	Physical Examinations and Inoculations of Students	FY2026
JHCC	Student Communicable Diseases	FY2026
JHCC-R(1)	Student Communicable Diseases - Guidelines (Regulation)	FY2026
JHCD	Administration of Medications to Students	FY2026

JHCDA	Student Self-Administration of Asthma or Anaphylaxis Medication	FY2026
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JHD	Student Psychological Services	FY2026
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JNA	Loaning of Textbooks	FY2026
JNB	Delinquent Student Fees, Fines and Charges	FY2026
JO	Student Records	FY2026
JOA	Student Directory Information	FY2026
JOA-E	Student Records (Notification to Parents Form)	FY2026
JOB	Student Surveys	FY2026

All Staff	All Staff need to be made aware of policy each year
Approve Each year	Board should approve all policies in this color each year
Green	Students and parents need to be made aware of policy each year

Arlington School District 38-1	NEPN Code: J
School Board Policy Reference Manual	

STUDENTS

Section J contains policies, regulations, and exhibits related to students, including but not limited to:

- admissions
- attendance
- rights and responsibilities
- conduct
- discipline
- health and welfare
- student records

Legal References:

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JA
School Board Policy Reference Manual	

STUDENT GOALS

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

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

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

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JC
School Board Policy Reference Manual	

SCHOOL ATTENDANCE AREAS

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

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

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

Legal References: SDCL 13-23

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEA
School Board Policy Reference Manual	

COMPULSORY ATTENDANCE AGES

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

All children shall attend kindergarten prior to age seven. Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

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

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

SCHOOL-BASED GED PROGRAM

Students enrolled in high school may be eligible for a school-based GED preparatory program if they meet the following criteria:

- Sixteen or seventeen years of age, and
- The student must present written permission from the student's parent or guardian and one of the following:
 1. Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;
 2. Authorization from a court services officer;
 3. A court order requiring the child to enter the program;
 4. Verification that the child is under the direction of the Department of Corrections; or
 5. Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.

Legal References: SDCL 13-27-1; SDCL 13-27-1.1; SDCL 13-27-11; SDCL 13-27-12; SDCL 13-27-16; SDCL 13-27-2; SDCL 13-32-4.1

Cross References: JEG – Exemptions from School Attendance

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEAA
School Board Policy Reference Manual	

STUDENTS ALTERNATIVE INSTRUCTION

Children of compulsory school age must regularly attend school, either public, nonpublic, or alternative instruction.

Notification:

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

The alternative instruction notification shall be submitted to the SD Department of Education or the District within thirty (30) days from the first time the child begins an alternative instruction program, enrolls in a public or nonpublic school, or moves to a different school district.

Upon filing of a notification with the SD Department of Education or the District from the parent, guardian or other person having control of the child, the South Dakota Department of Education or the District has been notified that the child is being provided with alternative instruction.

Enrollment on Partial Basis:

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

Open Enrollment:

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

Note: The DOE Form, Alternative Instruction Notification, can be found on the SD DOE website under "Home School".

Legal References: SDCL 13-27-1; SDCL 13-27-2; SDCL 13-27-29; SDCL 13-27-3; SDCL 13-27-7; SDCL 13-27-8; SDCL 13-27-9

Cross Reference: IGDK – Participation of Alternative Instruction Students; JEC - School Admissions; JECAA - Students Enrolling from Alternative Instruction and Unaccredited Schools; JECB - Open Enrollment; JEG – Exemptions from School Attendance

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEB
School Board Policy Reference Manual	

ENTRANCE AGE

KINDERGARTEN

All children entering kindergarten for the first time must be five (5) years of age on or before September 1.

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

FIRST GRADE

All children entering first grade must be six (6) years of age before September 1. A parent may request a waiver of compulsory attendance requirement under the age of seven years of age. First grade transfer students who do not meet state age requirements will be handled in the same manner as the kindergarten students. A student not yet prepared for first grade may be placed in kindergarten.

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

Legal References: SDCL 13-27-1; SDCL 13-27-3.1; SDCL 13-28-2

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEC
School Board Policy Reference Manual	

SCHOOL ADMISSIONS

In accordance with state law, all persons five (5) years old by September 1st and under twenty-one (21) years of age and all veterans (except dishonorably discharged veterans) who are residents of the district will be eligible to attend the public schools free of charge, if they have not already received a high school diploma.

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

1. Proof of date of birth through a birth certificate or affidavit in lieu of birth certificate.
2. Record of immunizations and a health certificate from a licensed physician.
3. Proof of School District residency, if requested.

Legal References: SDCL 13-27-1; SDCL 13-27-1.1; SDCL 13-27-29; SDCL 13-27-3; SDCL 13-27-3.1; SDCL 13-27-7; SDCL 13-27-8; SDCL 13-27-9; SDCL 13-28-14; SDCL 13-28-21; SDCL 13-28-5; SDCL 13-28-7.1

Cross References: JEAA - Students Alternative Instruction; JECA – Admission of Resident Students; JECAA – Students Enrolling from Alternative Instruction and Unaccredited Schools; JECB – Open Enrollment; JHCA – Physical Examinations and Inoculations of Students

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECA
School Board Policy Reference Manual	

ADMISSION OF RESIDENT STUDENTS

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

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

At the time a child is enrolled in a school district, the school residence of the child as determined by that school district within thirty days after the enrollment may not change during the school fiscal year, unless the child ceases to be an enrolled member of a school within the district.

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

Children of Military Personnel

A child meets the residency requirement for school attendance in the school district in which the parent or guardian resides or will reside if the parent or guardian of the child is transferred to or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. A military installation is a base, camp, post, station, yard, center, or other installation under the jurisdiction of the United States Department of Defense.

Established by law

Legal References: SDCL 13-28-9; SDCL 13-28-10

Cross References: JEC – School Admissions; JECAA – Students Enrolling from Alternative Instruction and Unaccredited Schools

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEC AA
School Board Policy Reference Manual	

STUDENTS ENROLLING FROM ALTERNATIVE INSTRUCTION AND UNACCREDITED SCHOOLS

An elementary aged child who has been attending an unaccredited school in another state or country or has been receiving alternative instruction and seeks to enroll in the District shall be placed at the child's demonstrated level of proficiency as established by the standardized test administered to enrolled students in that grade in this District. Such child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his or her demonstrated performance.

A child of secondary school age who has been attending an unaccredited school in another state or country or has been receiving alternative instruction who seeks to enroll in the District shall be placed in English and math at the level of achievement demonstrated by standardized tests administered to enrolled students of that age, and in all other subjects on a review of transcripts according to this policy. The child's placement may be in one grade level higher than warranted by the child's chronological age assuming entry into the first grade at age six and annual grade advancement thereafter. After initial placement the child may be advanced according to his/her demonstrated performance.

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

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

6. Upon receipt of the credit review committee recommendations, the principal shall determine which credits are to be applied for purposes of grade and class placement and toward graduation credits.
7. All students who have attended an unaccredited school or alternative program and enrolling in the District shall be required to meet District graduation requirements before being issued a diploma.

Any parent or guardian who is dissatisfied with the secondary placement by the principal of the child may appeal it to the secretary of the Department of Education.

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

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.

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

Honors

- Students who do not have all of their credits from a state accredited school will not be considered for the Valedictorian or Salutatorian award at Arlington High School. Students who have completed at least six semesters at a state accredited high school grades 9-12 will be allowed to graduate with honors if they meet the criteria.
- Students who have all credits grades 9-12 from any state accredited high school will be ranked in the class as usual. A student must have all credits passed with a letter grade of A-D. Those students who do not have all of their credits in grades 9-12 from a state accredited high school with a grade of A-D will not be ranked in the class ranking.

Legal References: SDCL 13-27-1; SDCL 13-27-29; SDCL 13-27-3; SDCL 13-28-21

Cross References: IGA – Basic Instructional Program; JEAA – Students Alternative Instruction; JEC – School Admissions; JECA – Admission of Resident Students

Adopted: FY2021

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECAC
School Board Policy Reference Manual	

TRANSFER FROM AN ACCREDITED SCHOOL

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

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

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

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

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

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

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

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

1. The appeal shall be in writing. The appealing party must attach the Principal's written decision.
2. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant, (b) meet and discuss the matter with the Complainant and Principal, or (c) meet and discuss the matter with the Principal.
3. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Principal; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify

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

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

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

1. An appeal to the School Board shall be in writing. The Complainant must attach the complaint, the Principal's written decision if a decision was rendered, the appeal to the Superintendent, the response to the appeal, and the Superintendent's decision.
2. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within ten (10) calendar days of Complainant's receipt of the Superintendent's written decision.
3. The School Board shall schedule a date, time and location for the appeal hearing.

Legal References: SDCL 13-33-30

Cross References: IGC – Extended Instructional Programs

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECB
School Board Policy Reference Manual	

OPEN ENROLLMENT

State law provides nonresident parents and students an opportunity to apply for enrollment within the District. It also allows resident parents and students an opportunity to apply for enrollment in an attendance center within the District other than that to which the student has been assigned.

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides in another school district (i.e., nonresident student), and who wishes to enroll the student in the District, or the parent or legal guardian of a South Dakota kindergarten through twelfth grade student, or a student who is at least 18 years old, and resides within the District and wishes to enroll the student at an attendance center within the District other than that to which the student has been assigned, must apply to open enroll in the School District.

1. Nonresident student open enrollment: The District shall grant a request for a transfer into the district of a child who is a resident of another school district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
2. Nonresident alternative instruction student open enrollment: The District shall grant a request to admit into the district a child who is a resident of another school district and who is receiving alternative instruction in the resident district pursuant to law, unless admitting the nonresident child would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.
3. Resident student open enrollment to different attendance center: The District shall grant a request from a resident of the District for a student transfer to an attendance center within the District other than that to which the student has been assigned unless the transfer would result in an inability to provide a quality educational program based on criteria established by the District pursuant to statute and this policy.

A copy of this policy will be provided to parents, guardians and emancipated students who wish to submit an open enrollment application. It shall also be provided to any other interested person upon request.

A. GENERAL RULES:

1. Transfers from another school district into the District may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If the District approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If the District approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. The deadlines for transfer do not apply if:
 - a. A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
 - b. A student enrolls in a school district after the deadline in either semester; or

- c. The District's Superintendent determines that special circumstances exist and allows a student to transfer into the District after the deadline.
2. All nonresident requests for open enrollment into the District must be submitted to the District's Superintendent on the official application form provided by the South Dakota Department of Education.
3. Nonresident student open enrollment applications to attend school within the District will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the District, that student's application shall take priority over all other applications.
4. The Superintendent shall either approve or deny the application for open enrollment. A decision of the Superintendent to deny an open enrollment application may be appealed to the School Board. A decision of the School Board to deny students application for open enrollment may be appealed to the circuit court pursuant to State Law. (a)
5. Decisions to accept or reject open enrollment applications will be based on the criteria listed in Open Enrollment Application Standards (Section C).
6. The applicant and the resident school board will be notified within five days of the decision.
7. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the District's Superintendent.
8. Once approved by the District, the approved application serves as the applicants notice of intent to enroll in the District and obligates the student to attend school within the District during the school year, unless the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district. A decision by either school board to deny a request to return to the resident school district may be appealed to circuit court pursuant to law.
9. Once enrolled under open enrollment in the District, the student may remain enrolled and is not required to resubmit annual applications.
10. If, after the conclusion of a school year, a student who is open-enrolled into the District wishes to return to the student's resident school district or assigned school, the student's parent or legal guardian shall, or the student (if the student is emancipated) shall, on forms provided by the Department of Education, notify the affected school board or boards of the student's intent to return to the resident school district or previously assigned school. The affected school board or boards must receive written notice of the student's intent to re-enroll in the resident school district or previously assigned school no later than August first. However, if the affected school board or boards determine that special circumstances exist, a student may be allowed to transfer to the student's resident school district or assigned school after the deadline.
11. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement. (b)
12. The District shall accept credits for any course completed in any other accredited school district but shall award a diploma to a nonresident student only if the student satisfactorily meets the Districts graduation requirements.
13. If two or more nonresident students from the same family, residing in the same household, request open enrollment into the District, all requests from that family must be either approved or denied and the District shall not deny an application if doing so would result in children from the same

household enrolling in different school districts. However, if the District cannot provide an appropriate education for a child in need of special education or special education and related services, the District may deny that child's application for open enrollment.

14. Any student under long term suspension or expulsion will not be allowed to open enroll until the suspension or expulsion is completed. (c)

15. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

B. RESIDENT STUDENT TRANSFERS:

The provisions of this policy apply to resident student transfers (applications to attend an attendance center different than that to which the student is assigned) except as modified below:

1. Resident student open enrollment applications to attend an attendance center within the District other than that to which the student has been assigned will be reviewed and acted upon in the order in which they are received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the attendance center to which the applicant is wishing to enroll, that student's application shall take priority over all other applications.
2. If a student is transferred from one attendance center to another attendance center within the District at the request of the student's parent or guardian, the District shall not provide transportation services to the student. (d)

C. OPEN ENROLLMENT APPLICATION STANDARDS: (e)

The following standards will be used to accept or reject nonresident student open enrollment applications to enroll within the District and resident student applications to attend an attendance center within the District other than that to which the student was assigned:

Open enrollment requests will be granted on a space available basis at the time the request is considered. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only and actual class sizes may be greater than the capacity listed below because of students residing within the school district and school attendance center area.

- Kindergarten through grades five: The student to teacher ratio shall not exceed ____ students in each grade as a result of open enrollment.
- Grade six through grade eight: The student to teacher ratio for core classes may not exceed ____ students in each grade as a result of open enrollment.
- Grade nine through grade twelve: Enrollment may not exceed attendance center building capacity.
- An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
- Open enrollment of a special education student will not be approved if the students cannot be accommodated at current staffing levels or the program is at capacity.

D. OPEN ENROLLMENT OF SPECIAL EDUCATION STUDENTS:

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the School District determines that the district can provide an appropriate instructional program and

facilities, including transportation if required as a related service, to meet the student's needs. If the request to transfer is granted, the district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the district shall provide or ensure the provision of transportation within the boundaries of the District.

2. If the District is not able to confirm that the District can provide an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the District shall initiate an individual education program team meeting consisting of representatives from the District, the resident school district and the parents or guardians, to determine whether the District can provide an appropriate instructional program, facilities, and transportation necessary.
3. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to the "Open Enrollment Application Standards" (Section C) or if the individual education program team as set forth in "Open Enrollment of Special Education Students" (Section D.2.) determines that the District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
4. If a parent or guardian of a student in need of special education or special education and related services request to transfer the student back to the resident district, the affected school boards must agree in writing to allow the student to transfer back to the resident district or unless the parents, guardian, or emancipated student change residence to another district.
5. If two or more students from the same family residing in the same household request open enrollment and the District determines it can provide an appropriate special education or special education and related services for the special education student(s), the applications shall be approved subject to consideration of the Open Enrollment Application Standards (Section C). However, if the District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or special education and related services, the District may deny the application for open enrollment related to the individual special education student(s).
6. If it is determined that a parent or guardian of a student, or an emancipated student, in need of special education or special education and related services submitted a request for an open enrollment transfer, but did not indicate on the application that the student has an IEP and needs special education services, as required on the form, any approval by the District of the open enrollment transfer application will be deemed void.

Notes:

(a) SDCL 13-28-43 says the School Board or the Boards designee may approve or disapprove the application. ASBSD recommends that the Superintendent be designated by the Board as most school boards meet only once a month on the second Monday of the month.

(b) For nonresident open enrollments, SDCL 13-28-45 states that the parents/guardians are responsible for transportation, without reimbursement, of the student but the District may provide the transportation, and if provided, the District may charge a reasonable fee if the student uses District provided transportation. SDCL 13-28-45 also says school boards of both the receiving school district and the resident school district must annually approve the pick-up locations for those students within any incorporated municipality but this requirement does not apply to any school district defined as a sparse school district pursuant to § 13-13-78.

(c) SDCL 13-32-4.3 states that if a student is under suspension or expulsion in a South Dakota school district, the student may not enroll in any other school district until the suspension or expulsion has expired, and also

that the superintendent of a school district may prohibit a student from enrolling in that school district if the student is under suspension or expulsion in a school in another state or in a nonpublic school in this state.

(d) SDCL 13-28-41.1. School district not required to provide transportation to student transferred within district. If a student is transferred from one school to another school within a school district at the request of the student's parent or guardian, notwithstanding any other provision of law, the school district is not required to provide transportation services to the student.

(e) SDCL 13-28-44 states that Standards shall be limited to the capacity of a program, class, grade level, and school building operated by the board and the pupil/teacher ratio. Discrimination based on race, gender, religious affiliation, or disability is prohibited a school board may or may not want to have capacity of the program, class or grade level specifically identified in the school district policy.

Legal References: SDCL 13-28-40; SDCL 13-28-41; SDCL 13-28-41.1; SDCL 13-28-42.1; SDCL 13-28-43; SDCL 13-28-44; SDCL 13-28-45; SDCL 13-28-46; SDCL 13-28-47; SDCL 13-28-48; SDCL 13-32-4.3; SDCL 13-46

Cross References: IGBA – Programs for Handicapped Children; JEAA – Students Alternative Instruction; JEC – School Admissions; JECC – Assignment of Students to Schools

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECBA
School Board Policy Reference Manual	

FOREIGN EXCHANGE STUDENTS

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

Proper I-20 forms (US Department of Homeland Security documents) and any other required papers must be processed by the district, the student, and the sponsoring organization before an international student can be formally admitted to school. The school board reserves the right to limit the number of foreign exchange students, require a proficiency level of English, and limit participation to grades 11 and 12 in order to insure the continued quality of educational programming in the school district.

Only those students who meet the state of South Dakota Graduation Requirements as well as all Arlington School District graduation requirements will receive a Graduation Diploma. All other Foreign Exchange students will receive a certificate of attendance.

Legal References: SDCL 13-27-3.1; SDCL 13-28-10; SDCL 13-28-5; SDCL 13-28-7.1; SDCL 13-28-9;

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECC
School Board Policy Reference Manual	

ASSIGNMENT OF STUDENTS TO SCHOOLS

The board seeks to provide enrollment options that meet the diverse needs and interests of district students. In assigning students to the district's schools, the board will, to the best of its ability, provide equal educational facilities, abide by parental wishes, and consider the best interest of all students.

The board's authority to offer enrollment options extends to residents of the district as well as non-district residents applying under South Dakota's open enrollment laws.

The Superintendent, or designee, shall establish procedures for the selection and transfer of students among schools in accordance with law, board policy, and administrative recommendation.

Legal References: SDCL 13-27-2; SDCL 13-27-3; SDCL 13-28-15; SDCL 13-28-19; SDCL 13-28-40; SDCL 13-28-41; SDCL 13-28-41.1; SDCL 13-28-42.1; SDCL 13-28-43; SDCL 13-28-44; SDCL 13-28-45; SDCL 13-28-46; SDCL 13-28-47; SDCL 13-28-48

Cross References: JECB – Open Enrollment

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JECE
School Board Policy Reference Manual	

STUDENT WITHDRAWAL FROM SCHOOL

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

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

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

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

Students who are 18 years of age, and who have parent or guardian written approval to withdraw, may withdraw from school. Each student will be informed of his or her right to be readmitted to school upon request.

Students seeking re-admittance to the district schools will be permitted to re-enroll at the beginning of established semesters, and will be required to provide notification of their intent to re-enroll one week prior to the start of a semester.

Legal References: SDCL 13-27-1; SDCL 13-27-1.1

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JED
School Board Policy Reference Manual	

STUDENT ABSENCES AND EXCUSES

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

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

Certain absences of students will be excused by the principal on receipt of a written, signed explanation from the parent or guardian. These absences will include:

1. Illness or quarantine;
2. Bereavement or serious illness in family;
3. Weather so inclement as to endanger the health of the child;
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the school administrator. Also with such approval, students may be eligible to be counted for school attendance for up to five days each term if an excuse from actual school attendance is requested by a parent or guardian for attendance at a state or nationally recognized youth program of educational value or for the purpose of working as a precinct election official if the student is at least eighteen years old.

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

Legal References: SDCL 13-27-6; SDCL 13-27-6.1; SDCL 13-27-7; SDCL 13-27-8; SDCL 13-27-9

Cross References: JEG – Exemptions from School Attendance

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEDA
School Board Policy Reference Manual	

TRUANCY

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

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

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

Legal References: SDCL 13-27-14; SDCL 13-27-16; SDCL 13-27-18; SDCL 13-27-19; SDCL 13-27-20; SDCL 13-27-21; SDCL 26-7A (10, 11, 126, 127, 128, 129)

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEDB
School Board Policy Reference Manual	

STUDENT DISMISSAL PRECAUTIONS

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

A teacher may not permit any individual student to leave school prior to the regular hour of dismissal except by permission of the principal or K-12 secretary.

No student will be permitted to leave school prior to the dismissal hour in the company of anyone other than a school employee, or parent of the child, unless the permission of the parent has been first secured. If a policeman or court official requests the dismissal of a pupil during school hours, he or she must have a warrant or written request by parents before the student is dismissed.

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEE
School Board Policy Reference Manual	

STUDENT ATTENDANCE ACCOUNTING

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

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

Legal References: SDCL 13-27-15; SDCL 13-27-17; SDCL 13-27-9; 13-27-15

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEF
School Board Policy Reference Manual	

RELEASE TIME FOR RELIGIOUS PRACTICE

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

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

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

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

Legal References: SDCL 13-33-10

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEFA
School Board Policy Reference Manual	

SENIOR PRIVILEGES

As part of a developing plan to encourage independent study and self-responsibility, the Board approves as policy the practice of permitting seniors release time form school.

The Board authorizes the Superintendent to develop criteria for granting privileges to high school seniors. The criteria shall contain minimum standards for granting these privileges, shall delineate the types of privileges that may be granted, and shall delineate the terms under which privileges may be revoked.

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JEG
School Board Policy Reference Manual	

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

GED PROGRAM: Students aged 16 years of age or older will be exempt from compulsory attendance provided they are enrolled in and participating in a school-based or school contracted Graduate Equivalency Degree (GED) program . The student must present written permission from the student’s parent or guardian and meets one or more of the following five conditions:

1. Verification from a school administrator that the child will not graduate with the child’s cohort class because of credit deficiency;
2. Authorization from a court services officer;
3. A court order requiring the child to enter the program;
4. Verification that the child is under the direction of the Department of Corrections; OR
5. Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended January 1, 2009.

RELIGIOUS EXEMPTION AFTER EIGHTH GRADE: A child of compulsory school age who has successfully completed the first eight grades is excused from compulsory school attendance if:

1. The child or the parents of the child are members of a recognized church or religious denomination that objects to the regular public high school education; and
2. The recognized church or religious denomination either individually or in cooperation with another recognized church or religious denomination provides a regularly supervised program of instruction in which each child participates in learning activities appropriate to the adult occupation that the child is likely to assume in later years.

STUDENT EXCUSED BECAUSE OF ILLNESS IN FAMILY: The School Board may excuse a child from school attendance because of serious illness in his immediate family, making his presence at home an actual necessity, or his presence in school a menace to the health of other pupils. The School Board may require the submission of medical evidence as a condition of granting an excuse pursuant to this section.

STUDENT EXCUSED TO ATTEND STATE OR NATIONALLY RECOGNIZED YOUTH EVENTS, AND WORK AS PRECINCT ELECTION OFFICIAL: A student is eligible to be counted for school attendance up to five days in a school term if an excuse from actual school attendance is requested by a parent or guardian for the purpose of attending events of state or nationally recognized youth programs of educational value or for the purpose of working as a precinct election official if the student is at least eighteen years old.

Legal References: SDCL 13-27-1.1; SDCL 13-27-3; SDCL 13-27-6; SDCL 13-27-6.1; SDCL 13-27-7; SDCL 13-27-8; SDCL 13-27-9

Cross References: JEA – Compulsory Attendance Ages; JEAA – Students Alternative Instruction; JEC – School Admissions; JED – School Absences and Excuses

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JF
School Board Policy Reference Manual	

STUDENT RIGHTS AND RESPONSIBILITIES

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

Students are responsible for the way they exercises their rights, and must accept the consequences of their actions and recognize the boundaries of their rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

STUDENT RIGHTS IN PUBLIC SCHOOLS

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

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

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

Legal References:

Cross References: ACAA – Sexual Harassment; JFCD – Bullying

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFA
School Board Policy Reference Manual	

STUDENT DUE PROCESS RIGHTS

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

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

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

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

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

SPECIAL EDUCATION STUDENTS

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

Legal References: ARSD 24:05:26; ARSD 24:05:26.01; ARSD 24:05:30; ARSD 24:07; SDCL 1-26-26; SDCL 13-32-4; SDCL 13-32-4.2; SDCL 13-32-4.7

Cross References: ACAA – Sexual Harassment; JFCD – Bullying; JGD – Student Suspension and Expulsion

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFAA
School Board Policy Reference Manual	

SEARCH AND SEIZURE - STUDENT

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

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

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

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

Legal References: SDCL 13-5-1; SDCL 13-8-39; New Jersey v. T.L.O.

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFB
School Board Policy Reference Manual	

EDUCATION OF HOMELESS CHILDREN

Every child of a homeless individual and every homeless child is entitled to equal access to the same free, appropriate public education as provided to other students. The District must assign and admit a child who is homeless to a District school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The District may not require an out-of-District attendance agreement and tuition for a homeless child.

The Superintendent will review and revise as necessary rules or procedures that may be barriers to enrollment of homeless children and youths. In reviewing and revising such procedures, the Superintendent will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Homeless students will have access to services comparable those offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children.

A homeless individual is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. Thereafter, a written complain must be filed in accordance with the District Uniform Complaint Procedure.

Legal References: 42 U.S.C. § 11431, et seq. McKinney Homeless Assistance Act

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFC
School Board Policy Reference Manual	

STUDENT CONDUCT

Students in the District are expected to act in an appropriate and responsible manner. Such behavior will reflect favorably on the student and on the school, will show consideration for other students, and will create a positive school environment in which to learn and work.

All students have individual responsibilities and obligations in their conduct toward other people and with respect to property. Examples of student conduct on school grounds, on school buses or at school activities which will subject a student to suspension, expulsion or other disciplinary action, and which may be reported to the legal authorities and subject to legal consequences, include, but are not limited to:

1. Causing or attempting to cause damage to school property; or stealing or attempting to steal school property.
2. Causing or attempting to cause damage to private property; stealing or attempting to steal private property.
3. Causing or attempting to cause physical injury to another person except in self-defense, or threatening to do so.
4. Assault or threatening a student or staff member with bodily harm.
5. Possession of any firearm, knife, explosive or other weapon or dangerous object.
6. Possession, use, or being under the influence of any controlled drug or substance without a physician's prescription.
7. Possession, use or under the influence of alcohol or illegal drug or substance.
8. Possession or use of any tobacco product.
9. Making false fire alarms or bomb threats or similar threats
10. Cheating (including plagiarism) with respect to school work or tests.
11. Inappropriate use of computers, networks, Internet, Distance Learning, etc.
12. Using lewd, profane or obscene language, displaying lewd, profane or obscene language or pictures, or lewd or indecent exposure.
13. Sexually harassing any other person.
14. Defying the valid authority of school employees.

15. Conduct in a classroom, hallway, or any other location on school property or on a school bus which is disruptive.
16. Harassment (including hazing) of any other student or staff member of the School District or any other person who is on the property of the School District.
17. Bullying
18. Racial or ethnic slurs.

Copies of this policy shall be made to parents and to all students, either through being reprinted in student handbooks or through some other means.

Legal References: SDCL 13-32-5; SDCL 13-32-6; SDCL 13-32-7; SDCL 22-14A-24; SDCL 22-14A-25; SDCL 25-5-15

Cross References: ACAA – Sexual Harassment; ACAA-R(1) – Sexual Harassment-Regulation; ACAA-E(1) – Sexual Harassment-Complaint Report Form; ACAA-E(2) – Sexual Harassment-Complaint Appeal to the Superintendent; ACAA-E(3) – Sexual Harassment-Complaint Appeal to the School Board; JFA – Student Due Process Rights; JFCC – Student Conduct on School Buses; JFCC-R(1) – Student Conduct on School Buses-Regulation; JFCD – Bullying; JFCD-E(1) – Bullying-Complaint Report Form; JFCD-E(2) – Bullying-Complaint Appeal to the Superintendent; JFCD-E(3) – Bullying-Complaint Appeal to the School Board; JG – Student Discipline; JGD – Student Suspension and Expulsion; JGD-R(1) – Student Suspension and Expulsion-Procedures (Regulations); JGD-E(1) – Student Suspension and Expulsion-Notice of Hearing for Long-Term Suspension or Expulsion; JGD-E(2) – Student Suspension and Expulsion-Hearing Waiver; JGD-E(3) – Student Suspension and Expulsion-Findings of Fact; JGD-E(4) – Student Suspension and Expulsion-Notice to Parent of Special Education Student

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFC-R
School Board Policy Reference Manual	

Arlington Cardinal Code of Ethics

Students involved in any athletic/fine arts programs are under the full direction of the coach/advisor/director/supervisor along with his/her assistants. Students are expected to abide by the rules and regulations set up. Failure to abide by the rules is sufficient cause for a student to be dismissed or dropped from an activity.

No student will be permitted to practice without a physical examination, proof of insurance or insurance waiver, a medical consent form, and an interim pre-participation history form. The physical examination is valid for up to three years.

All SDHSAA policies and procedures will be followed and conformed to along with the Arlington High School policies. The Arlington Cardinal Code of Ethics is in effect year-round. Each new year begins the first day after the final SDHSAA State event and continues until the current years final SDHSAA event is completed.

All punishment may carry over to the following year if the consequences have not been met by the end of the previous year. For a student to carry out their punishment they must be out for the activity within the first week of the season and continue in the activity until after the state event or until the team is eliminated from further competition.

These rules are the minimum and may be strengthened by the individual in charge of the activity. Activities under the Cardinal Code of Ethics are, but not limited to the following:

<u>Girls Sports</u>	<u>Boys Sports</u>	<u>Other Activities</u>	<u>Extra's</u>
Cross Country	Cross Country	*Robotics	Prom
Basketball	Football	**FFA (Non-Graded)	Sr. Priv.
Volleyball	Basketball	*Band (Non-Graded)	HC Royalty
Track & Field	Track & Field	*Vocal (Non-Graded)	Dances
Sideline Cheer/Comp Cheer	Wrestling	* Plays	Field Trips
Golf	Golf	* Oral Interpretation	Sr. Skip Day
Softball			
Wrestling			

*Exceptions may be made as decided by the Superintendent/AD based on what is best for the group involved.

**FFA also follows specific FFA bylaws in addition to the Arlington Code of Ethics

1. Controlled substances or marijuana.

Athletes will follow SDCL 13-32-9. The law states: Suspension from extracurricular activities for controlled substance violation--Notice to South Dakota High School Activities Association. Any person adjudicated, convicted, the subject of an informal adjustment or court-approved juvenile diversion program, or the subject of a suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence. The one-year suspension may be reduced to sixty school days if the person participates in an assessment with a certified chemical dependency counselor or completes an accredited intensive prevention or treatment program. If the assessment indicates the need for a higher level of care, the student is required to complete the prescribed program before becoming eligible to participate in extracurricular activities. Upon a subsequent adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to participate in any extracurricular activity at any secondary school accredited by the Department of Education. Upon such a determination in any juvenile court proceeding the Unified Judicial System shall give notice of that determination to the South Dakota High School Activities Association and the chief administrator of the school in which the person is participating in any extracurricular activity.

Upon placement of the person in an informal adjustment or court-approved juvenile diversion program, the state's attorney who placed the person in that program shall give notice of that placement to the South Dakota High School Activities Association and chief administrator of the school in which the person is participating in any extracurricular activity.

As used in this section, the term, extracurricular activity, means any activity sanctioned by the South Dakota High School Activities Association.

2. Tobacco and Alcohol Policy:

- The use, possession, acquiring, delivering, or transportation of tobacco, and/or alcohol is considered a violation of the 'Arlington Cardinal Code of Ethics' and will result in suspensions listed below.
- The setting in which the violation happens will result in differing consequences.
 - Settings:
 - In School
 - Within the school grounds
 - In any school owned property (bus/vehicle/location)
 - At any practice or away game
 - In any instance not listed where an individual is representing an Arlington activity or athletics organization
 - Out of School
 - Any instance not listed above
- **Violations**
 - Each subsequent violation of the 'Tobacco and Alcohol Policy' during a given year results in an elevated suspension.

- If a student has a previous violation, their ‘Violation Count’ will be elevated, and punishment determined based on total violation count and setting. See table below.
- A student’s violation count is reset to zero after the final SDHSAA state event each school year.
- **Penalties**
 - Suspensions will begin the day the violation is confirmed.
 - Level 1 suspensions are based on 10% & 20 % of the season
 - Examples of a 10% a season suspension:
 - Football/Cross Country/Track & Field/FB Cheer/Comp Cheer/Golf – 1 contest
 - Band/Vocal/Plays – 1 performance
 - OI/FFA/Robotics – 1 event
 - Basketball/BB Cheer/Volleyball/Wrestling – 2 contests
 - Prom – not allowed to attend if suspension is not served prior
 - While serving a suspension, the student will be required to attend all practices and games/performances with no chance to participate
 - If a violation occurs during an activity in which a student is participating, the student is no longer eligible for any post season awards or recognition for that activity
 - If the violation happens in between activity seasons, the suspension will be served at the beginning of the next activity season.
 - If a violation happens while a student is in multiple activity seasons, the penalty will be applied to each of those seasons
 - Example: A student is in Cross Country and Football at the same time and violates the ‘Tobacco and Alcohol Policy’ for the first time. The student will be suspended for 10% of the football season and 10% of the cross country season.
 - If a penalty has not been completed by the end of the school year, the remaining penalty will be carried forward to the next year.
 - A student will not be able to join and quit activities to manipulate when a suspension will be served.
 - If a student serves a suspension and then quits the activity, the suspension is considered not served and the penalty will be carried to the next activity.
 - If a student has a pending suspension and joins an activity that has already began its season, the student will not be allowed to serve their suspension for the activity they have just joined.

Tobacco and Alcohol Penalties		
Violation Count	Setting	
	Out of School	In School
1	10% of the Season	20% of the Season
2	Remainder of the Season or 6 weeks, whichever is longer.	Remainder of the Season or 12 weeks, whichever is longer.
3	The student is no longer eligible for any extracurricular activities for the remainder of the year. The student will be ineligible for all post-season awards that are given through the school or by outside organizations.	

3. Unexcused Absences

Students are expected to be at all practices, activities, and events. Unexcused absences will result in:

- 1st violation – Each case will be handled at the discretion of the coach
- 2nd violation - Possible suspension from the activity for the year

In addition, each participant will need to be involved in 5 team practices, as set by the SDHSAA, before competing in a contest. Junior varsity and junior high sports will also follow this policy before they will be eligible to compete.

4. Uniform Policy

Students and athletes will only wear school issued equipment or uniforms. The coach or advisor must approve any clothing or jewelry other than school issued in advance.

5. Academic Eligibility

Students in athletics and activities are required to maintain certain academic standards to remain eligible to participate.

- On the last day of the second week of each quarter students' grades will begin being checked.
 - Grades will continue to be checked on the last day of each subsequent week.
- Any student with an F will be placed on the 'Ineligibility List'
- Each quarter, each student will be granted a one-week probationary period where they are eligible to participate while they improve their grade.
 - During this period, if a student improves their grade, and is not on the 'Ineligibility List' for the subsequent week they will remain eligible. However, they will not be granted a probationary period if they find themselves on the 'Ineligibility List' again during the same quarter.
 - If a student does not improve their grade, they will be deemed academically ineligible to compete until they are no longer on the weekly 'Ineligibility List'.
 - If a student has already exhausted their probationary period and they are on the 'Ineligibility List', they are deemed academically ineligible to compete until they improve their grades and are no longer on the weekly 'Ineligibility List'.
- Academic eligibility is a weekly determination. A student's eligibility status changes the day after the 'Ineligibility List' is distributed and does not change again until the day after the next 'Ineligibility List' is distributed. This typically would result in a student being deemed ineligible for a Monday through Sunday period.
- If a student receives a failing grade for a quarter or semester, they will remain academically ineligible until grades are posted for the first time in the next quarter/semester.
 - Students who receive a failing grade for the final quarter of the school year are deemed academically ineligible for any activities that extend beyond the last day of school.
 - These students will NOT be academically ineligible for the beginning of the next school year.
- Students deemed academically ineligible:
 - Will practice with the team at the coach/advisor/director discretion and must sit on the bench during home contests and away contests.
 - A coach may waive these rules in lieu of having the student spend this time working to improve their academics.
 - Will not compete or dress for any varsity or sub-varsity competitions.

- Will not travel with the team to away competitions/events if the team leaves during the school hours.

6. Extra-Curricular and Absences

Students are required to be in school for at least three full periods out of the day in order to compete in activities that day.

- Exceptions:
 - Family emergencies approved in advance with a note from the principal.
 - Examples would be funerals and other serious family emergencies.
 - Missing school to participate in school athletics/activities
 - Cases may be handled at the discretion of the coach and Supt/AD

7. Conduct

Student/Athletes must not only maintain the required academic standards, but also proper standards of conduct. Any student/athlete guilty of gross misconduct such as stealing, willful destruction of property or disregard for school authority will be subject to discipline determined by the coach, principal and athletic director. This could be a suspension from an event/activity for an undetermined length of time. A student/athlete must pay for any abnormal damages to school issued equipment.

8. Due Process

Students who are accused of misconduct are entitled to a due process hearing with the personnel involved with their activity and an administrator.

Source: SL 1997, ch 102, §§ 1, 4; SL 2003, ch 272, § 63; SL 2006, ch 82, § 1.

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCA
School Board Policy Reference Manual	

STUDENT DRESS CODE

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

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

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCA-R
School Board Policy Reference Manual	

ARLINGTON STUDENT DRESS CODE POLICY

Normal school day and non-formal school activities

In the interest of cleanliness, decency and good taste, a restriction on a student's dress and grooming is necessary. To insure that the dress and grooming of all Arlington Junior and Senior High School Students does not interfere with the educational process or create a disruption in school the following code should be observed:

Clothing promoting alcohol, drugs, tobacco, sexual innuendo, obscene or questionable printing or slogans will be prohibited on all clothing.

Other clothing that is prohibited would be shorts with no undergarments, mesh shirts with no undergarments, halter tops, tube tops, half shirts, shirts or tops that expose the midsection, and shirts or other clothing that exposes undergarments.

Trench coats are prohibited. Chains that hang from clothing including wallet chains are prohibited.

Undergarments are not allowed to be showing.

All pants must fit around the top of the hip.

Caps, hats, bandannas or other headgear are not to be worn in the building between the times of 8:00 A.M. - 4:00 P.M. Exceptions to this rule may be made during special events' weeks.

Spikes, chokers, dog collars, chains as well as other accessories that could be used to harm someone are not allowed

Clothing that represents threat/hate groups such as gangs or supremacist groups are prohibited.

Teachers are to address and deal with dress code if it can be done quickly and without disrupting the learning environment of others. If this cannot be done the principal is to be contacted.

The principal will deal with the dress code violation based upon the report from the teacher (similar to swearing.)

Students will be disciplined according to the following for violation in the school dress code:

1. Students will be required to put on the Arlington attire that is given to them. They are to return the garment after it has been washed. If they do not do so they will be required to pay for the garment.
2. Warning if change takes place immediately.
3. Two (2) points each violation thereafter.

Dress Code for formal or semi-formal type school activities

The dress code for the normal school day may not apply to such things as prom, concerts, oral interp meets and other formal or semi-formal school activities. Students involved with these activities will need to check and follow the dress code established by the activity advisor.

Cases not specifically covered in this dress code procedure that adversely affects the learning environment of others will be addressed by the administration on a case-by-case basis.

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCB
School Board Policy Reference Manual	

GANGS

The Board desires to keep District schools and students free from threats or harmful influence of any groups or gangs, which advocate drug use, violence, or disruptive behavior. The Superintendent shall maintain continual, visible supervision of District premises so as to deter gang intimidation of students and confrontations between members of different gangs.

The Superintendent shall:

1. Establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort;
2. Provide in-service training to help staff identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior; and
3. Keep the staff informed about conflict management techniques and alerted to intervention measures and community resources, which helps students.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior.

Legal References: SDCL 13-32

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCC
School Board Policy Reference Manual	

STUDENT CONDUCT ON SCHOOL BUSES

When a student is riding, boarding, or leaving the bus, the bus driver has supervisory control over the student. Because the bus is an extension of the classroom, the Board requires students to conduct themselves while on the bus in accordance with Student Conduct policy JFC.

Students who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the principal. In such cases, the parents of the children involved will be responsible for their child’s transportation to and from school.

Principals have the right to suspend students for up to ten (10) days from riding the school bus for inappropriate conduct. The suspension must be reported to the Superintendent who may revoke the suspension at any time. The Superintendent may suspend a student from riding the school bus for not more than 90 days. In case of a suspension by the Superintendent for more than 10 school days, the pupil or his parents or others having his custodial care may appeal the decision of the Superintendent to the School Board. The Superintendent may also recommend to the School Board that the student be prohibited from riding the school bus for the balance of the school year, and upon receiving such a recommendation the School Board shall conduct a hearing on the Superintendent’s recommendation.

Legal References: SDCL 13-32-2; SDCL 13-32-4

Cross References: ACAA – Sexual Harassment; ACAA-R(1) – Sexual Harassment-Regulation; ACAA-E(1) – Sexual Harassment-Complaint Report Form; ACAA-E(2) – Sexual Harassment-Complaint Appeal to the Superintendent; ACAA-E(3) – Sexual Harassment-Complaint Appeal to the School Board; ECAC – Video Surveillance; JFA – Student Due Process Rights; JFC – Student Conduct; JFCD – Bullying; JFCD-E(1) – Bullying-Complaint Report Form; JFCD-E(2) – Bullying-Complaint Appeal to the Superintendent; JFCD-E(3) – Bullying-Complaint Appeal to the School Board; JG – Student Discipline; JGD – Student Suspension and Expulsion; JGD-R(1) – Student Suspension and Expulsion-Procedures (Regulations); JGD-E(1) – Student Suspension and Expulsion-Notice of Hearing for Longterm Suspension and Expulsion; JGD-E(2) – Student Suspension and Expulsion-Hearing Waiver; JGD-E(3) – Student Suspension and Expulsion-Findings of Fact; JGD-E(4) – Student Suspension and Expulsion-Notice to Parent of Special Education Student

Adopted: FY2021

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCC-R(1)
School Board Policy Reference Manual	

STUDENT CONDUCT ON SCHOOL BUSES – (Regulations)

Buses are provided for those students whose distance from school or health make this service essential. Misconduct on buses will not be tolerated and will result in forfeiture of the privileges of riding.

Students are expected to discipline themselves and comply with the instructions of the bus operator. The driver will be in full charge of the bus and the passengers. There must be no disturbance of any kind that might distract the driver and imperil the safety of the passengers.

Students will observe the following rules of conduct while riding school buses.

1. Students should always be at the bus stop at least five minutes before the bus is scheduled to be there. Students should remain well back from the roadway while awaiting the arrival of the bus.
2. Bus riders should not move to board a bus until it is completely stopped and the door is open.
3. Students will enter the bus in an orderly fashion and go directly to a seat. Students must stay in their seats and in a sitting position when the bus is in motion.
4. Bus riders should leave their seats only after the bus has come to a complete stop at their bus stop.
5. Bus riders who must cross a street at their bus stop will cross in front of the bus.
6. Students will keep their hands, arms and heads inside the bus.
7. Shouting, screaming, smoking, running, fighting, vulgar talk and pushing are not permitted.
8. All articles such as athletic equipment, books, musical instruments, etc., must be kept out of the aisles.
9. All riders should help to keep the bus clean and sanitary on the inside.
10. Any damage to the bus will be paid for by the rider inflicting the damage and will be subject to suspension or expulsion from school.
11. Bus riders are expected to be courteous and obedient to bus drivers at all times.

Parents and students will be informed of these regulations at the beginning of each school year, and parents will be asked to return signed forms indicating that the regulations have been received and read.

Notes: It is advisable that regulations in this area bear the school board's official stamp of approval, particularly as the policy relates to suspension of bus-riding privileges.

Legal References: SDCL 13-32-2; SDCL 13-32-4

Cross References: ACAA – Sexual Harassment; ACAA-R(1) – Sexual Harassment-Regulation; ACAA-E(1) – Sexual Harassment-Complaint Report Form; ACAA-E(2) – Sexual Harassment-Complaint Appeal to the Superintendent; ACAA-E(3) – Sexual Harassment-Complaint Appeal to the School Board; ECAC – Video Surveillance; JFA – Student Due Process Rights; JFC – Student Conduct; JFCD – Bullying; JFCD-E(1) – Bullying-Complaint Report Form; JFCD-E(2) – Bullying-Complaint Appeal to the Superintendent; JFCD-E(3) – Bullying-

Complaint Appeal to the School Board; JG – Student Discipline; JGD – Student Suspension and Expulsion; JGD-R(1) – Student Suspension and Expulsion-Procedures (Regulations); JGD-E(1) – Student Suspension and Expulsion-Notice of Hearing for Longterm Suspension and Expulsion; JGD-E(2) – Student Suspension and Expulsion-Hearing Waiver; JGD-E(3) – Student Suspension and Expulsion-Findings of Fact; JGD-E(4) – Student Suspension and Expulsion-Notice to Parent of Special Education Student

Adopted: FY2022

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCD
School Board Policy Reference Manual	

BULLYING

SECTION 1 - Policy Statement

The District is committed to maintaining a constructive, safe, and bullying-free school climate that is conducive to all student's educational opportunities and which fosters an environment in which all students are treated with respect and dignity. Bullying can inhibit a student's educational opportunities and may also have long-term negative effects on a student. Bullying of students shall not be tolerated and is strictly prohibited. Bullying of students from other schools who are at a District activity, parents, school employees, guests, visitors, volunteers and vendors of the District shall also not be tolerated and is strictly prohibited.

This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. However, conduct which substantially interferes with the work of the school, causes material and substantial interference with school work and discipline, and might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities is not constitutionally protected speech and is therefore prohibited under this policy.

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

The District shall investigate all reported instances involving bullying. Unless a different person is designated by the Superintendent to conduct the investigation, the Principal of the school attendance center where the bullying is alleged to have occurred is responsible for investigating the alleged bullying. Allegations of bullying may also be reported by the administration to other authorities, including but not limited to law enforcement.

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

Pursuant to state law:

- A. any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy, is

immune from any cause of action for damages arising from failure to remedy the reported incident, and

- B. no cause of action is created against the school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy which results in injury to a person.

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

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

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

SECTION 2 - Bullying Defined

- A. Bullying is an intentional isolated act or pattern of repeated conduct toward another person that is sufficiently severe and offensive to a reasonable person, and
 1. has the purpose or effect of creating an intimidating, hostile or offensive school environment for one or more students, parents, employees, guests, visitors, volunteers or vendors, and/or
 2. has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities (i.e., academic, co-curricular activities, extra-curricular activities, and social opportunities, etc. within the school environment), employees and volunteers work environment or performance, or access by parents, guests, visitors or vendors, and/or
 3. places a person in reasonable fear of harm to his or her person or damage to his or her property, and/or
 4. causes physical hurt or psychological distress to a person, and/or
 5. constitutes retaliation against any person for asserting or alleging an act of bullying, and/or
 6. disrupts the orderly operation of a school.

B. Bullying conduct includes threats, intimidation, physical violence, theft, destruction of property, hazing, stalking (SDCL 22-19A-1), harassment (SDCL 22-19A-4), and threatening or harassing contact by telephone or other communication devices, commonly referred to as cyberbullying (SDCL 49-31-31). Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by the School District for conduct determined to meet the definition of bullying in SDCL 13-32-15.

1. Hazing defined: any verbal or physical act or acts done on school property or at a school activity which directed toward another person and done for the purpose of initiation into any group, regardless of whether the group is a school sanctioned organization, when the act or acts causes or may create a reasonable risk of causing mental, emotional or physical harm to the person who is the recipient of the act or acts.
2. Stalking defined: willfully, maliciously, and repeatedly following or harassing another person; making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
3. Harass defined: a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.
4. Threatening or harassing contacts by telephone or other electronic communication device defined: using or knowingly permitting a telephone or other electronic communication device under his or her control for any of the following purposes:
 - (1) to contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act,
 - (2) to contact another person with intent to threaten to inflict physical harm or injury to any person or property,
 - (3) to contact another person with intent to extort money or other things of value,
 - (4) to contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.

SECTION 3 - Reporting Procedure

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

the date the written complaint was filed or the Bullying Report Form was completed,

the school employee receiving the complaint (if applicable),

the name of the person reporting the bullying,

the address/phone # of the person reporting the bullying,

the specific conduct or nature of the bullying complaint including the person(s) alleged to have bullied 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 bullying.

If the signed written complaint was given to a teacher, or if the Bullying Report Form was completed by a teacher, the teacher shall forward the complaint or Bullying Report Form to the teachers building principal.

SECTION 4 - Procedure for Addressing Bullying Complaints

STEP 1: Principal.

Should there be a report which alleges a District student, parent, employee, guest, visitor, volunteer or vendor has been subjected to bullying, an investigation into the alleged bullying will be initiated. The Districts investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the victim, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint.

The person alleged to have bullied another person will be notified that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless and until the investigation results in a determination that there is reasonable cause to suspect that bullying did occur.

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

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

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

Upon reasonable suspicion by the school administrator responsible for the investigation that the allegation of bullying may be true, the employee, student or other person accused of bullying conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged victim and complaining individual(s).

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond in writing to the notification of alleged bullying but is not required to submit a written response.

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

STEP 2: Appeal to the Superintendent

The following procedure shall be used to address an appeal of the Principals decision in Step 1 to the Superintendent :

1. If either party is not satisfied with the Principals decision, or if the Principal does not render a written decision within fourteen (14) calendar days of the request for a decision on the merits of the complaint, that party may appeal to the Superintendent by filing form JFCD-E(2). The appeal must be filed within ten (10) calendar days of receipt of the Principals written decision, or ten (10) days of the deadline for the Principals written decision, whichever comes first. The appealing party must attach the Principals written decision.
2. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the principal's decision, or the Superintendent may refer the matter back to the Principal for further investigation and supplemental decision which decision may restate, modify or reverse the Principals initial decision. A supplemental decision by the Principal after a referral back to the Principal is subject to appeal to the Superintendent. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to all parties, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

STEP 3: Appeal to the Board

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

The following procedure shall be used by the Board to address an appeal of the Superintendents decision on the merits related to a bullying 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 bullying 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 bullying 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 Superintendents 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 others witnesses. The hearing officer and board members may ask questions of any witness;
 - H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;

- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date; Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;
- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendents 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 Principal 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 bullying, 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 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 Boards decision, that party may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

Student Discipline-Inappropriate Behavior Procedure Concerning Cyber Bullying

Cyber bullying is all form of harassment over the Internet or other forms of electronic communications, including cell phones. Students and staff will refrain from using communication devices or District property

to harass or stalk another. The District's computer network and the Internet, whether accessed at school or away from school, during or after school hours, may not be used for the purpose of cyber bullying. All forms of cyber bullying are unacceptable and viewed as a violation of this policy and the District's acceptable computer use policy and procedures.

Users are responsible for the appropriateness of the materials they transmit. Hate mail, harassment, discriminatory remarks, or other anti-social behaviors are expressly prohibited. Cyber bullying includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs. It is also recognized that the author (poster or sender) of the inappropriate material is often disguised (logged on) as someone else.

Students and community members, who believe they have been victims of such misuses of technology, as described in this policy, should not erase the offending material from the systems. A copy of the material should be brought to the attention of a principal or teacher.

In situations in which cyber bullying originated from a non-school computer, but brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly interrupts or severely impedes the day to day operations of a school. In addition, such conduct must also violate a school policy. Such conduct includes, but is not limited to, threats, or making threats off school grounds, to harm a member of the school staff or a student.

Malicious use of District's computer system to develop programs or to institute practices that harass other users to gain unauthorized access to any entity on the system and/or change the components of an entity on the network is prohibited.

Disciplinary action may include, but is not limited to, the loss of computer privileges, Saturday School points, suspension, or expulsion for verified perpetrators of cyber bullying. In addition, when any kind of threat is communicated or when a hate crime is committed, it shall be reported to local law officials.

Legal References: Moran v. Rapid City Area School District; SDCL 13-32-14; SDCL 13-32-15; SDCL 13-32-16; SDCL 13-32-17; SDCL 13-32-18; SDCL 13-32-19; SDCL 22-19A; SDCL 49-31-31

Cross References: ACAA – Sexual Harassment; JF – Student Rights and Responsibilities; JFA – Student Due Process Rights; JFC – Student Conduct; JFCC – Student Conduct on School Buses; JG – Student Discipline; JGD – Student Suspension and Expulsion

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCH
School Board Policy Reference Manual	

ALCOHOL AND OTHER DRUG USE BY STUDENTS

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

POLICY

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

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

DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES

- A. The following procedures will be used in dealing with possession, use, or being under the influence of alcohol and other drugs. State and federal regulations regarding special education students will be followed.

First Offense:

1. The administration will notify the parent(s)/guardians(s) and schedule a conference;
2. The administration shall suspend the student for ten (10) days in compliance with student due process procedures;
3. The administration shall notify available law enforcement authorities;

The suspension of a student who completes a drug/alcohol assessment from a certified or licensed addition counselor or a licensed physician trained in chemical dependency and recommended program, if any, will be commuted to three (3) days, provided the assessment and program are completed, unless good cause is shown to and approved by the administration, within twenty (20) school days. Fees for this assessment and treatment are the responsibility of the student and family.

Upon receipt of appropriate authorization, the agency or professional will notify the school administration in writing that the student has been evaluated and to comply successfully, completed any recommended treatment program.

Second Offense

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for ten (10) days in compliance with student due process procedures.

A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for ninety (90) school days. The ninety (90) day suspension for a second offense may be reduced to ten (10) school days if the student completes an accredited intensive prevention or treatment program. Fees for this assessment and/or treatment are the responsibility of the student and family.

Subsequent Offenses:

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities.
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.
 4. An expulsion hearing shall be scheduled before the school board pursuant to due process rules for expulsion. The administration will recommend to the school board that the student be expelled.
- B. Distributing (supplying free or selling) Alcohol and Other Drugs or Material Represented to be a Controlled Substance - (all occurrences)
1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
 2. The administration shall notify available law enforcement authorities
 3. The administration shall suspend for ten (10) days in compliance with student due process procedures.
 4. A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the student be suspended for up to ninety (90) school days.
 5. A second offense for distributing alcohol or drugs shall result in an expulsion hearing being scheduled before the school board and the administration will recommend the student be expelled for one year.
 6. State and federal requirements regarding special education students will be followed.

USE OF ALCOHOL SENSORS

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

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

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

Procedurally, district personnel will not vary from the normal course of action outlined in ASBSDs Reference Policy JGD: Student Suspension or Expulsion when evidence of alcohol consumption is derived from a PBT, PBASD reading or personal observation.

If the PBT or PBASD screening indicates the presence of alcohol on District student, the matter shall be reported to the Principal or designee and law enforcement. District students violating this policy will be disciplined according to the discipline procedures outlined in this policy and other relevant policies. School age persons from other districts attending school and district sponsored events who are suspected of alcohol consumption will be reported to the Principal or designee and law enforcement.

The Board shall provide notices to students, staff, parents and guardians of this policy.

Legal References: SDCL 13-32-4; SDCL 13-32-4.2; SDCL 13-32-4.3; SDCL 13-32-9; SDCL 22-42-19; SDCL 26-11-5.1; SDCL 34-20G; Public Law 101-226.

Cross References: IGD – Extra-curricular Activities; JGD – Student Suspension and Expulsion; JGD-R(1) – Student Suspension and Expulsion – Procedures (Regulation); JGD-E(1) – Student Suspension and Expulsion – Notice of Hearing for Long-Term Suspension and Expulsion; JGD-E(2) – Student Suspension and Expulsion – Hearing Waiver; JGD-E(3) – Student Suspension and Expulsion – Findings of Fact; JGD-E(4) – Student Suspension and Expulsion – Notice to Parent of Special Education Student; JHCDE – Administration of Medical Cannabis to Qualifying Students; JHCDE-E(1) – Administration of Medical Cannabis to Qualifying Students – Medical Cannabis Administration Plan

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCI
School Board Policy Reference Manual	

VOLUNTARY RANDOM DRUG TESTING

PHILOSOPHY AND PURPOSE

The board recognizes its share of the responsibility for the health, welfare, and safety of the students who attend the Districts schools. The use of narcotic drugs, depressants, and other controlled substances illegally and/or inappropriately constitutes a hazard to the positive development of students and interferes with students abilities to learn and function responsibly in both school and community settings. Therefore, anything that can interfere with the development of an adolescent must be evaluated as to its impact to both the student and the community.

The District defines drug abuse and misuse as a serious health problem and is committed to discouraging this behavior and to encouraging parents and young people to seek help should a problem arise.

In 2002, the United States Supreme Court upheld the right of a school district to require middle and high school students to consent to urinalysis testing for drugs in order to participate in any co-curricular activity and ruled that this does not violate the Fourth Amendment of the United States Constitution (Board of Education of Independent School District of Pottawatomie County v. Earls).

The Districts random voluntary drug testing program is designed to discourage and to prevent drug misuse and abuse while protecting students Fourth Amendment Rights by adhering closely to all aspects of the Supreme Court rulings.

STATEMENT OF POLICY

Students will participate in a voluntary random drug testing program. Parents of middle school students may elect to participate in the program by submitting a Voluntary Random Drug Testing Parental/Guardian Permission Form.

At least once during each quarter, a group of student's names will be randomly selected by an outside agency for urinalysis drug testing. The outside agency will notify the selected student's parents who will then determine if they would like to proceed with the screening for their child.

The District will pay for the random drug tests that have been conducted by the outside agency. Total confidentiality will be maintained and any follow-up for counseling or disciplinary action will be the parent's decision.

The outside agency will not send the results of the testing to the school. However, families may choose to contact the schools substance abuse prevention specialists for guidance and assistance. All contact with prevention specialists is completely confidential and the school will take no disciplinary action unless so directed by the parent.

Legal References: SDCL 13-32-9

Cross References:

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCJ
School Board Policy Reference Manual	

DANGEROUS WEAPONS IN THE SCHOOL

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

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

A dangerous weapon is defined as any firearm, or air-gun, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm.

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

Any student bringing a firearm to school, except as provided by law, shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The Superintendent shall have the authority to recommend to the school board that this expulsion requirement be modified on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504. For the purpose of this portion of this policy, the term "firearm" includes any weapon which is designed to expel a projectile by action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for a weapon, or any explosive, including any poison gas.

Legal References: SDCL 13-32-4.2; SDCL 13-32-7; SDCL 22-1-2;

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCK
School Board Policy Reference Manual	

CELL PHONES AND PORTABLE DIGITAL MEDIA DEVICES

The School District, as part of a commitment to upholding academic integrity and providing a safe learning environment free from distraction, limits student use of cellular phones and portable digital media devices.

Students may possess cellular phones and portable digital media devices on school property, while in school-owned or school-operated vehicles and while students are attending or engaged in school-sponsored activities, subject to limitations of this and other policies and regulations of the District.

Unless specific permission is granted by school personnel, cellular phones and portable digital media devices are:

1. To remain powered-off and inoperable during the regular school day or when their use is otherwise prohibited by school personnel; and
2. To be stored in a student's locker or car during the regular school day.

Students found to have violated this policy shall be subject to disciplinary action, which may include confiscation of the cellular phone or portable digital media device. The Board acknowledges that certain violations of this policy pose severe risks to academic integrity or student safety. Students found in severe violation of this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Severe violations of this policy involve highly inappropriate activities including, but not limited to:

1. Electronic communication that contains inappropriate content, profanity, intimidation or threats to others;
2. Sexting, which includes intentionally creating, producing, distributing, presenting, transmitting, posting, exchanging, disseminating, or possessing, through any computer or digital media, any photograph or digitized image or any visual depiction of a person in any condition of nudity, or involved in any prohibited sexual act;
3. Academic dishonesty or cheating;
4. The use of camera or recording features of cellular phones and portable digital media devices in restrooms, locker rooms or for any use constituting an invasion of any person's reasonable expectation of privacy;
5. Communicating in any way with outside groups or individuals to participate in violent acts or other inappropriate or unlawful activities on school property or at school sponsored activities; or
6. Refusal to relinquish phone to persons of authority upon request.

This policy shall not be interpreted to justify unreasonable searches of cellular phones or other digital media devices by school personnel. Any search of a student's cellular phone or portable digital media device by school personnel shall be:

1. Justified at its inception and based on reasonable grounds that the search would reveal evidence of a student's severe violation of this policy;
2. Reasonably related to its objectives and not excessively intrusive in light of the nature of the infraction;
and
3. Conducted in accordance with district policy and in the presence of a student's parent or guardian.

As necessary for the implementation of this policy, the superintendent, principals and teachers may establish regulations, consistent with this policy, further limiting or prohibiting the possession and use of cellular phones or portable digital media devices in their areas and or classrooms.

The District assumes no responsibility for loss, damage or theft of cellular phones and digital media devices, whether in the possession of students, on school property or if confiscated by school personnel pursuant to this policy.

Legal References: ARSD 24:07; SDCL 13-32-4; SDCL 49-31-31

Cross References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFCL
School Board Policy Reference Manual	

STUDENT REGISTERED SEX OFFENDERS

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

STUDENT (REGISTERED) SEX OFFENDERS ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender, is forbidden (1) to be present on any property owned or operated by the District, including school buildings, athletic fields or facilities, parking lots, buses, vehicles or other property, and (2) to attend school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student required to be a registered sex offender, who is receiving educational services on school property must comply with the requirements to be supervised by school personnel at all times.

EDUCATIONAL SERVICES FOR STUDENT (REGISTERED) SEX OFFENDERS

1. If permitted by the Board, a student, subject to the previous section, may be present on school property subject to any conditions and restrictions imposed by the Board.
2. The Board will hold a hearing to determine whether to expel or provide the student with educational services.
3. Prior to expelling a student, the Board will consider whether there is an alternative program offered by the District that may provide educational services to the student.
4. If the Board determines that the student will be provided educational services on school property, the student must be under the supervision of school personnel at all times.
5. If a student subject to this policy violates the conditions and restrictions placed upon the student by the Board, school administrators and the Board will follow established student discipline procedures and impose an appropriate disciplinary measure, up to and including expulsion.
6. If a student subject to this policy is one with disabilities, educational services will be provided in accordance with federal and state law.

Legal References: SD Constitution Article 8 §1; SDCL 13-27-1; SDCL 22-24B

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFEE
School Board Policy Reference Manual	

PARTICIPATION IN WORK STUDY PROGRAMS

The Board recognizes the value of off-campus work study programs, such as job shadowing and internships, for educational and training purposes. The district will work with students and community entities to create voluntary work study programs for participation of interested secondary education students.

To participate, all parents or legal guardians and students must be fully notified of the work study program requirements and agree to eligibility outlines established by the school district.

The board instructs the Superintendent or Superintendent’s designee to draft corresponding regulations to implement this policy.

Legal References: SDCL 25-5-18.1; SDCL 62-1-4.1

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFEE-R(1)
School Board Policy Reference Manual	

Work Study Permission/Agreement Form

Student:

Student Requirements:

- ❖ Seniors and Juniors (16 years and older) with a 1.5 GPA or above.
- ❖ Attendance of less than 5 absences (one group of four days can be grouped together) in the previous semester.
- ❖ No discipline issues which include I.S.S, O.S.S, or Saturday School for the previous semester.
- ❖ Students must stay with the same employer for the entire semester or they will be marked 50% failing for a grade in the class
- ❖ Drivers license and automobile insurance on vehicle to be used to transport student to work if needed

High School Credit

- ❖ Student may work up to 2 hours per day
- ❖ Student will receive .5 Credits per semester
- ❖ Grade is determined by the Employer Student Responsibilities:
- ❖ Provide the employer with a dedicated, responsible, and hard-working employee
- ❖ Be willing to follow rules and procedures of the business
- ❖ Be responsible for balancing work and school
- ❖ Provide proof of medical insurance in case of injury

I have read and understand the responsibilities of all involved and wish to participate in the Arlington High School Student Work Program.

Student Employee Date

Employer:

Employer Responsibility

- ❖ Provide a positive learning/working experience for the student
- ❖ Provide a safe working environment
- ❖ Maintain contact with the High School principal ❖ Fill out evaluation form once per quarter.
- ❖ Businesses are not required to pay students during the school hours because they are receiving credit. This is left to the discretion of the employer.
- ❖ If issues with the student or work study arise please contact the school immediately.

I have read and understand the responsibilities of all involved and agree to provide a positive place of employment for the above Arlington High School Student Work Program Student employee.

Employer Date

Employer Phone# _____ Employer Fax # _____

Parent/Guardian

As parent/guardian, I understand the responsibilities of all involved and give my permission for _____ to participate in the student work program at Arlington High School. He/she also has my permission to drive to and from the place of employment.

** Arlington High School and its employees are not held responsible for any injuries occurring on the job.

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFG
School Board Policy Reference Manual	

INTERROGATIONS AND SEARCHES

SEARCHES BY STAFF

The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. This authority may be exercised as needed in the interest of safeguarding children, their property and school property.

Nevertheless, exercise of that authority by school officials places unusual demands on their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.), and the seizure of items in his possession:

1. There should be reasonable cause for school authorities to believe that articles are kept in the locker, desk, or other storage space whose possession constitutes a crime or rule violation.
2. Search of an area assigned to a student should be for a specifically identified item, and should be conducted in his or her presence and with his or her knowledge.
3. General housekeeping inspection of school property may be conducted with reasonable notice.
4. Illegal items (drugs, weapons, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

SEARCHES OF STUDENT PROPERTY BY POLICE

A proper search warrant is required for any search of a student's personal property kept on school premises; however, if the police have reason to believe any item that might pose an immediate threat to the safety or security of others is kept in a student locker, desk, or other storage space, searches may be conducted without a previously issued warrant.

INTERROGATIONS BY POLICE

The school district has legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school principal or the principal's designee will cooperate. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.

2. Parents or guardians will not be contacted in child abuse cases if the law enforcement official requests confidentiality.
3. If custody and/or arrest is involved, the principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

Legal References: New Jersey v. T.L.O.

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JFH
School Board Policy Reference Manual	

STUDENT COMPLAINTS AND GRIEVANCES

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

The Board desires student complaints and grievances to be resolved through orderly processes and at the lowest possible level, but that channels be provided for eventual hearing by the Board in instances when this becomes necessary. Therefore:

1. Any student or his or her parent or guardian will be provided the opportunity to discuss with the student's teacher a decision or situation which the student, parent, or guardian considers unjust or unfair.
2. If the incident remains unresolved, the student or his or her parent or guardian or the teacher, may bring the matter to the principal's attention for consideration and action.
3. The student may also bring a matter of general student concern to the attention of class officers or the student council (in grades and schools where such are elected) for possible presentation to the principal.
4. If the matter is still unresolved after the procedure outlined above, it may be brought to the Superintendent for consideration.
5. Complaints that remain unresolved following any action of the Superintendent may be referred in writing to the Board for review.

The Board's decision will be final unless an appeal hearing is requested.

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JG
School Board Policy Reference Manual	

STUDENT DISCIPLINE

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

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

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

Within the above guidelines and specific policies regulating conduct and disciplinary action, the Superintendent will set up procedures for dealing with disciplinary problems.

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

Legal References

Cross References: JFCD – Bullying

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGA
School Board Policy Reference Manual	

PROHIBITION OF CORPORAL PUNISHMENT

The use of corporal punishment, defined as any act of physical force on a pupil for the purpose of punishing that child, is not acceptable in this district and will not be tolerated as a disciplinary measure. The term will not apply, however, to the use of reasonable physical force in the following situations.

1. For self-defense;
2. To protect other persons from physical injury;
3. To protect property of the school or others;
4. To remove a student who has refused to comply with requests to refrain from disruptive behavior; and
5. To restrain or control a student that is out of control.

By law, physical force may be used by the Superintendent, principal, supervisor, and teachers and their aides and assistants. This authority extends to any person delegated to supervise children who are authorized to attend a school function away from school premises and to school bus drivers.

Any employee using physical force to control a student will document the incident in writing, with copies given to the principal and Superintendent by the close of the following school day. The Superintendent will keep the Board apprised of unusual or extreme incidents of the use of physical force.

In-service training for teachers and staff in the use of alternative, positive measures of discipline will be provided and the Superintendent will report to the Board annually regarding training programs provided to staff.

Legal References: SDCL 13-32-2

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGB
School Board Policy Reference Manual	

RESTRAINT AND SECLUSION

I. Policy Rationale and Philosophy:

Reasonable efforts should be made to prevent the use of restraint and the use of seclusion. A non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) should be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students.

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

II. Definitions:

a. Positive Behavior Interventions and Support:

- i. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and
- ii. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors and teach appropriate behavior to students.

b. Physical Restraint:

- i. The use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.
- ii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
 1. To break up a fight;
 2. To knock a weapon away from a student's possession;
 3. To calm or comfort;
 4. To assist a student in completing a task/response if the student does not resist the contact;
 5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

c. Seclusion:

The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

d. Time Out:

A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

III. Requirements for the use of Physical Restraint:

Physical restraint may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. If physical restraint is applied the staff member must:

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

IV. Prohibited Practices for Use of Restraints:

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

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

V. Requirement for Use of Seclusion:

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

- a. A room or area used for seclusion must:
 - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. not be locked.
- b. Staff must:
 - i. implement in a manner that is age and developmentally appropriate;
 - ii. ensure safety of other students and protect the dignity and respect of the student involved;

- iii. the least amount of time necessary;
- iv. be appropriately-trained;
- c. staff must continually observe the student for the duration of the seclusion;
- d. if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;
- e. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- f. upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

VI. Prohibited for Use of Seclusion:

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

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

- a. The staff member(s) using physical restraint or seclusion shall complete all district required reports and document staffs observations of the student.
 - i. As soon as possible under the circumstances the staff member(s) using physical restraint or seclusion shall inform the appropriate school administrator of the use of physical restraint or seclusion.
 - ii. The District's Incident Report shall be completed upon occurrences of physical restraint or seclusion.
 - iii. Completion of the form and submission of the Incident Report to the appropriate administrator must be done the same day the staff member(s) used physical restraint or seclusion.
 - iv. An administrator shall attempt to contact the parent/guardian during the same day of incident.
 - v. A copy of the Incident Report must be made available to parent/guardian by the administrator within 24 hours after receipt of the Incident Report.
- b. The administration shall conduct a debriefing with all involved staff and parents and, if appropriate, the student;
 - i. Debrief utilizing the Districts Debriefing Form.
 - ii. evaluate the trigger for the incident, staff response, and methods to address the students behavioral needs;
 - iii. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

VIII. Training and professional development:

- a. The district will ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques.
- b. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
- c. All student personnel shall be trained annually on this policy.

IX. District Monitoring:

- a. The school board and superintendent shall monitor the implementation of this policy.
- b. This policy shall be accessible on the districts website.
- c. The district shall notify all parents annually on the schools website of its policy on seclusion and restraint.

X. Complaint:

- a. A parent/guardian who feels that a school employee violated this policy may file a complaint pursuant to Policy KL: Complaint Against School Employee.
- b. If the student is a student with a disability, the parent/guardian of the student with a disability may file a complaint with the South Dakota Department of Education, Office of Special Education instead of filing a complaint pursuant to Policy KL: Complaint Against School Employee.

Legal References: SDCL 13-32-20

Cross References: KL – Complaint Against School Employee

Adopted: FY2019

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Arlington School District 38-1	NEPN Code: JGD
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STUDENT SUSPENSION OR EXPULSION

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

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

A suspension may be imposed, but is not limited to, when a student's behavior creates a threat to his own or other's safety or imposes a threat to property or premises or creates a serious disruption of the school environment. Behavior such as fighting or committing an assault on another; stealing; vandalism; possessing weapons, explosives or other prohibited materials; making a false alarm or terroristic threat; lewd or threatening behavior or language; possession of drugs; or possession of beer or alcoholic beverages on the school premises or at school activities may result in suspensions.

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

- In case of a suspension by the Superintendent for more than ten school days, the Superintendent will schedule a hearing before the Board of Education and the hearing shall be scheduled within ten (10) school days of the first day of the student's suspension.
- Additional procedures mandated by state and federal law apply to special education students.

NOTE: Statute states that no school board may impose a lesser consequence than those established in SDCL 1332-9 but may by board policy adopt more strict consequences for adjudication, conviction, informal adjustment or court-approved diversion program, or a suspended imposition of sentence or suspended adjudication of delinquency, for possession, use, or distribution of controlled drugs or substances or marijuana. Statute also says the suspension may be reduced and the student may be allowed to practice during the period of suspension. To avoid discriminatory application, it is ASBSDs recommendation that the Board decide, for policy purposes, if the suspension period is to be reduced upon the student meeting the requirements, and if reduced to what extent, and whether the student may participate in practice during a period of suspension.

Suspension from Extra-Curricular Activities:

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

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

Second offense: The student shall be suspended one year. The one year suspension for a second offense shall be reduced to 60 calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If a suspension is reduced pursuant to § 13-329, a suspension for a second offense shall make the student ineligible for a minimum of six South Dakota High School Activities Association sanctioned events. If six sanctioned events for which the student is ineligible do not take place within the reduced suspension period, the student's suspension remains in effect until six sanctioned events for which the student is ineligible have taken place. Students who are ineligible to participate in activity events, competitions, and performances shall be allowed to participate in practices.

A suspension begins on:

1. The day following the notification to a school administrator by the Unified Judicial System that a student has been adjudicated, convicted, the subject of an informal adjustment or court approved diversion program, or the subject of a suspended imposition of a sentence or a suspended adjudication of delinquency for possession, use, or distribution of controlled drugs, substances, or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substance prohibited by § 22-42-15 and the school administrator gives notice to the South Dakota High School Activities Association and the students; or
2. The day following the student's admission to a school administrator that the student committed an offense enumerated in subdivision (1), which shall be made with the student's parent or guardian present if the student is an unemancipated minor, and the school administrator gives notice to the South Dakota High School Activities Association.

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

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

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

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

Legal References: ARSD 24:05:26; ARSD 24:05:26.01; ARSD 24:07; SDCL 13-32-4; SDCL 13-32-4.2; SDCL 13-32-5; SDCL 13-32-7; SDCL 13-32-9; SDCL 13-32-9.1; SDCL 13-32-9.2; SDCL 22-11-9.2; SDCL 22-14A-24; 22-14A-25; SDCL 22-42; Public Law 103-382 Improving America's Schools Act of 1994

Cross References: IGD – Extra-curricular Activities; IGDI – Interscholastic Athletics; JFA – Student Due Process Rights; JFC – Student Conduct, JFCD – Bullying; JFCH – Alcohol and Other Drug Use by Students

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGD-E(1)
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NOTICE OF HEARING FOR LONG-TERM SUSPENSION OR EXPULSION

You are hereby notified that _____ is charged with violating the following rule, regulation or policy of the _____ School District:

_____.

We have in our possession _____ which was seized from _____ at the time of the alleged violation (if material evidence was seized and is had by the Superintendent).

Persons witnessing the alleged violation include:

_____. (List anyone the administration will call as a witness to prove the violation).

We have set a hearing before the Board to hear this matter on the _____ day _____ of _____, 20____ at _____ o'clock ____m. at _____.

The hearing shall permit opportunity for _____ or their representative to present their side of the story and confront their accusers and witnesses. The purpose of the hearing is to allow the administration to suspend _____ from _____ for a period of more than ten days. Evidence and all of the student's records are available for inspection by the student, their parent, guardian or other responsible person and their representative.

You are further notified of the right to waive a hearing. Such waiver must be made through written notification to the Superintendent at least 24 hours prior to the time set for hearing. This right may be exercised by use of the attached waiver form.

Dated this _____ day of _____, 20_____.

(Superintendent of Schools)

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGD-E(2)
School Board Policy Reference Manual	

HEARING WAIVER

I hereby waive my right to a hearing in the matter of potential suspension or expulsion from school for the alleged misconduct of _____. Said hearing was set for the _____ day of _____, 20__.

Dated this _____ day of _____, 20__.

_____ (Student)

_____ (Parent, guardian or other responsible person)TITLE

Legal References:

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Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGD-E(3)
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FINDINGS OF FACT

In the matter of the Proposed Expulsion (Suspension) or _____ DECISION

THE ABOVE ENTITLED MATTER coming on for hearing on the ____ day of _____, 20____, at _____ o'clock __.m., before the School Board of _____ School District, all members present. President of the Board presiding, and the Board being represented by _____, their attorney; and _____ appearing in person with his/her parents, _____, and by their attorney, _____; and the Board having heard the testimony and having examined and discussed the evidence offered by the witnesses and the matter having been submitted to the Board for decision, the Board does hereby make its decision, (one member dissenting,) to expel (suspend) _____ from any further attendance at _____ for _____ days based upon the following Findings of Fact:

FINDINGS OF FACT

1. The _____ School Board finds that _____ was (in possession of a lit cigarette on _____, 20____, at approximately 9:40 a.m. within the confines of the men's toilet in the _____ School.)
2. The _____ School Board finds that said conduct by _____ was in violation of the _____ School District's policy (prohibiting smoking by students in school buildings.)
3. The _____ School Board finds that said action constituted a (second) violation of said Board policy.
4. The _____ School Board finds that _____ and his/her parents, _____ had been given notice of the punishment to be recommended upon a (second) violation.

Dated at _____, South Dakota, this _____ day of _____, 20_____.

_____ (President, School Board)

Legal References:

Adopted: FY2012

Last Review: FY2021

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Arlington School District 38-1	NEPN Code: JGD-E(4)
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NOTICE TO PARENT OF SPECIAL EDUCATION STUDENT

You are hereby notified that the _____ School Board has determined that _____ [student's name] should be suspended for more than ten days.

You are further notified that this action is being referred to the _____ School District's Placement Committee, which shall immediately make a determination of whether the conduct causing the suspension arises from the student's disability or handicapping condition. If it is found to arise from the student's condition, a new individualized education program (IEP) will be established and the suspension shall thereafter cease. If the action for which the discipline is imposed did not arise from the student's handicapping condition or disability, the student will continue to receive special education and related services, but will be suspended from all other aspects of the school. The District may apply to circuit court to exclude the student from school if there is a substantial likelihood that maintaining the current placement is likely to result in injury to the pupil or others.

Finally, you are notified that you have available to you the due process rights of the state and federal special education laws.

Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JGD-R(1)
School Board Policy Reference Manual	

PROCEDURES FOR STUDENT SUSPENSIONS AND EXPULSIONS (Regulation)

PROCEDURAL CHECKLIST FOR SHORT TERM SUSPENSION

1. Give oral or written notice to student and to parents, guardian, or other responsible person, if available, as soon as possible after discovery of misconduct.
2. The notice is to contain the rule, regulation, or policy violated. The student must be given an opportunity to answer the charges.
3. This process does not involve board participation.
4. The hearing is no more than an informal setting granting the student the opportunity to answer the charges and present his/her side of the story.
5. Superintendent or principal should issue a decision as soon as possible. This may be done right on the spot.
6. If the student is suspended, written notice of due process rights must be provided to the student and the parent, guardian, or other responsible person. An unemancipated minor may not be removed from the school during school without notice to the parent, guardian, or responsible person. Dangerous students may be turned over to law enforcement.
 - Many of the due process guidelines set forth in this chapter may be helpful in dismissal of non-certified employees under contract.

PROCEDURAL CHECKLIST FOR LONG TERM SUSPENSION

1. The Superintendent must prepare and seal a written report to the school board not later than the end of the fifth school day following the first day of a long-term suspension. The Superintendent may request that a hearing be held before the school board. (It is recommended that the school board conduct a hearing for any suspension extending more than ten days.)
2. The Superintendent's report includes the facts of the situation, the action taken, the reasons for the action, and the Superintendent's decision or recommendation. The report remains in the possession of the school board secretary or business manager, sealed and unavailable to individual school board members until and unless a hearing is held. A copy of the report must be sent to the 18-year-old pupil and, as to unemancipated minors, to the parent, guardian, or responsible person at the time it is filed with the secretary or business manager.
3. The Superintendent may exclude the pupil from class or classes by using a short term suspension procedure. Note: An activity should be considered a class, especially if credit is given for the activity. The Superintendent must give notice to the 18-year-old pupil or the unemancipated minor's parent,

guardian, or responsible person of a proposed long-term suspension, and may schedule a hearing. The notice must contain:

- a. Policy allegedly violated;
 - b. The reason for the discipline;
 - c. Notice of the right to a hearing or the right to waive this hearing;
 - d. A description of the hearing procedure;
 - e. A statement that the records are available for examination; and
 - f. Notice that the pupil may present witnesses.
4. If a hearing is requested, the Superintendent shall set the date, time, and place for the hearing and send notice to the school board members, as well as a notice by certified mail to the 18-year-old pupil or the parents of an unemancipated minor.
 5. If no hearing is requested or if the hearing is waived, the proposed action or decision of the Superintendent is final.
 6. A hearing may be waived by an 18-year-old pupil or the parents of an unemancipated minor, in writing. If the hearing is not waived, the hearing shall be held as set forth in the notice.

CONDUCTING THE HEARING

1. The school board is the hearing board.
2. The school board shall appoint either one of its own members or someone not an employee of the district as hearing officer. At the commencement of the hearing, the hearing officer should state that the hearing is open at the time and place contained in the notice, should state the reason for the hearing, identify the date of the notice of hearing, identify to whom the notice was provided, and have each person present identify themselves by name.
3. The school board shall arrange the place of hearing with three tables, one for the board, one for the administration, and one for the student.
4. The hearing is closed to the public and a verbatim record will be made and sealed pending court order. (It is recommended that the verbatim record be either a court reporter or a videotape. Audio recordings are less than satisfactory.)
5. Each party may make an opening statement, introduce evidence, present witnesses, and examine and cross-examine witnesses.
6. The school administration shall present its case.
7. Each party may be represented by an attorney.

8. If the school attorney is going to present the administration's case, the attorney should not also advise the board. The board should engage separate counsel in that case.
9. Witnesses, other than the student and his/her representative, are present only while testifying and each witness must take an oath and affirmation administered by the school board president or business manager.
10. Each party may raise objections to relevancy and scope of the questions. All relevant evidence must be admitted; however, unproductive or repetitious evidence may be limited by the hearing officer.
11. The hearing officer may ask questions of witnesses, as may school board members.
12. Each party may make a closing statement.
13. After the hearing is closed, the board shall deliberate in executive session. No one other than the hearing officer may meet with the school board during deliberation. The school board may seek advice during deliberation from any attorney not representing a party at the hearing. Any other consultation with any person other than board members during deliberation may occur only if a representative of the pupil is present.
14. The decision must be based upon the evidence presented at the hearing and be contained in a motion made in open meeting. The motion must omit the name of the pupil and must state the reason(s) for the board's action.
15. The 18-year-old pupil or a parent or guardian of an unemancipated minor pupil must be given notice in writing of the board's decision, which must state the length of the suspension or expulsion.
16. The board's decision may be appealed to the circuit court.

SPECIAL EDUCATION STUDENTS

1. If a student attending school on an individualized educational program (IEP) is the subject of a long-term suspension procedure, special considerations apply
2. A long-term suspension of a special education student requires a referral to a placement committee. If the action, behavior, or activity which caused the long-term suspension is the result of the pupil's disability, the placement committee shall prepare a revised IEP and the long-term suspension terminates upon implementation of the plan.
3. Any suspension of more than ten school days constitutes a change in placement and requires prior notice and the right to due process, as specified for a change of placement.
4. A special education student's parent may grant written parental approval for the change in placement.
5. If it is necessary to suspend a special education student for more than ten days and no parental agreement can be achieved for an interim placement or continued suspension, the district must apply to the circuit court for permission to suspend the student.

6. In any such court action, there is a presumption in favor of the current educational placement, which may be rebutted only by showing that the current placement is "substantially likely to result in injury to the pupil or to others."
7. Failure to carefully follow due process procedures with respect to special education students can result in serious ramifications to the district.

Legal References: ARSD 24:07:02:01; 24:07:03; 24:07:03:01; 24:07:03; 24:07:03:03; 24:07:03:06; 24:07:03:08 ARSD 24:05:26:09; 24:05:26:10; 24:05:26:12; 24:05:26:13 SDCL 13-46

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHC
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STUDENT HEALTH SERVICES AND REQUIREMENTS

The Board realizes its responsibility to help protect and improve the health of students. The Board, therefore, will employ a school nurse to coordinate school health services. The nurse, with cooperation from school administrators, will be responsible for organizing dental, medical, and immunization clinics for students within the school district.

Student health services will include the following:

1. Counseling for students, parents, and others concerning the findings of health examinations.
2. Help in preventing and controlling disease.
3. Emergency service for injury and sudden illness.
4. Assessment and implementation of services for students with special needs, administration of medications and performance of specialized health care procedures.

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

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

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

Legal References: ARSD 20:48:04.01:09; SDCL 13-33A; SDCL 13-33A-6

Cross References: JHCD – Administration of Medications to Students; JHCDA – Student Self-Administration of Asthma or Anaphylaxis Medication; JHCDB – Epinephrine Auto-Injectors; JHCDD – Administration of Opioid Antagonists

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Arlington School District 38-1	NEPN Code: JHCA
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PHYSICAL EXAMINATIONS AND INOCULATIONS OF STUDENTS

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

Any child entering school or an early childhood program in the District, shall, prior to admission, be required to present to the appropriate school authorities certification from a licensed physician that the child has received or is in the process of receiving adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, meningitis, and varicella, according to recommendations provided by the Department of Health. The Department of Health may modify or delete any of the required immunizations. As an alternative to the requirement for a physician's certification, the child may present:

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

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

Physical examinations may also be required for all students who participate in interscholastic athletics and other school activities.

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

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

Legal References: ARSD 44:81; SDCL 13-28-7.1; SDCL 13-28-7.2; SDCL 13-28-7.3

Cross References: JEC – School Admissions

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCC
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STUDENT COMMUNICABLE DISEASES

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

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

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

ADVISORY COMMITTEE

In situations where the decision to exclude a student from school attendance requires additional expertise and knowledge, the building administrator will refer the case to an advisory committee for assistance in the decision-making. The advisory committee may be composed of: A representative from the state or county health department; the student's physician; the student's parents or guardian(s); the school principal or designee; the school health service's supervisor; the Superintendent or designee; and primary teacher(s).

In making the determination, the advisory committee shall consider: The characteristics of the contagious disease; the medical condition of the student; the expected type(s) of interaction with others in the school setting; the impact on both the infected student and others in that setting; the South Dakota Department of Health guidelines and policies; the recommendation of the County Health Officer, which may be controlling.

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

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

CONFIDENTIALITY

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

HEALTH GUIDELINES

It shall be the duty of the Superintendent to establish regulations in accordance with this policy. The regulations shall contain infection control practices to be observed within the schools and may include guidelines to be used as a resource in determinations related to school attendance.

Legal References: SDCL 13-28-7.3

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

STUDENT COMMUNICABLE DISEASE GUIDELINES (Regulation)

Numerous communicable diseases may affect a school-age population and/or school staff. Some of these have a high degree of communicability. Some are life threatening in nature. Some are both.

Disease and Incubation Period*	Rules for School Attendance
Acquired Immune Deficiency Syndrome (AIDS) *6 months-five years	Determination will be made by the Advisory Committee as outlined in the Communicable Disease policy.
Chicken Pox *14-21 days	The student may attend school after all pox are dry and scabbed.
Cytomegalovirus (CMV) Salivary Gland Viruses	The student may attend school. Precautions should be taken by contacts with immunosuppression as anti-cancer or organ transplants as well as anyone with suspected or known pregnancy. Good hand washing in all cases should eliminate risk of transfer of infection.
Fifth Disease (Erythema Infectiosum) *6-14 days	The student may attend school with physician's permission.
Giardiasis (Intestinal Protozoan Infection) *5-25 days or longer.	The student may attend school if the student practices independent and hygienic bathroom skills. Other students may attend school after the third day of drug treatment. Good hand washing in all cases should eliminate risk of transfer of infection.
Herpes Simplex *2-12 days	The student may attend school during an active case if the student has the ability and practices personal hygiene precautions and the area of lesion is covered.
Impetigo *variable 4-10 days	The student may attend school if treatment is verified and covered or dry.
Infectious Hepatitis *15-40 days (Average 25 days)	The student may attend school with physician's written permission and if the student has the ability to take appropriate personal hygiene precautions.
Measles (Red, Hard, Rubeola, 7-day) *8-14 days	The student may attend school after a minimum of seven (7) days. Students who have had contact with measles may attend school if immunization is up to date.

Infectious Mononucleosis (Glandular Fever) *2-6 weeks	The student may attend school with physician's permission. The student may need adjusted school days and activities.
Mumps *12-21 days	The student may attend school after swelling has disappeared.
Pediculosis (Lice, Crabs)	The student may attend school after treatment. After repeated infestation of the same student, the student may be excluded until all nits are removed.
Pink Eye (Conjunctivitis) *5-12 days	The student may attend school after the eye is clear, under treatment or with physician's written permission.
Plantar's Wart	The student may attend school. Students should not be permitted to walk barefoot.
Ring Worm (Scalp, Body, Athlete's Foot)	The student may attend school if the area is under treatment and covered. Restrict known cases of athlete's foot from pools and showers until under treatment.
Rubella (3-day, German Measles) *14-21 days	The student may attend school after a minimum of four days. Prevent exposure of pregnant women.
Scabies (7-year itch, Mites)	The student may attend school after treatment.
Streptococcal Infections(Scarlet Fever, Scarletina, Strep Throat) *1-3 days	The student may attend school 24 hours after initiating oral antibiotic therapy, and clinically well.

All communicable and chronic disease should be reported to Health Services.

* Time interval between initial contact with an infectious agent and the first sign of symptom of the disease.

Legal References: SDCL 13-28-7.3 SDCL 1-27-3

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCD
School Board Policy Reference Manual	

ADMINISTRATION OF MEDICATIONS TO STUDENTS

School personnel shall not administer prescription or nonprescription medication to students unless appropriate administration cannot reasonably be accomplished outside of school hours.

For purposes of this policy, the term “medication” includes both prescription medication and nonprescription medication, but does not include medical cannabis. The administration of medical cannabis shall be in accordance with the Board’s policy on administration of medical cannabis to qualified students.

Students will not be permitted to take medication while at school unless the administration of such medicine is coordinated by the school district nurse acting under specific written request of the parent or guardian and under the written instructions of the student's physician.

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

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

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

All medications must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in medication administration. Prescription medications to be stored and/or administered must be in a pharmacy labeled container. The label must specify the student's name, name of physician/licensed health care provider, the date of the prescription and the directions for use. If the dosage of the medication is changed by the physician/licensed health care provider, a new bottle must be received from the parent and a new Consent for Medication completed. Non-prescription medications to be stored and/or administered should be in the original container.

It is the responsibility of the student to come to the office to take his/her medication. Any student who uses the medication in a manner other than the manner prescribed may be subject to disciplinary action.

Prescription medication administration may be delegated only to those individuals who have successfully completed the training program as required by law. No school employee, other than the school nurse, shall

be required to be trained by a licensed health care profession for the purpose of being trained in the administration of prescription medication, or shall be required to administer prescription medication, without the employee's prior written consent.

Legal References: ARSD 20:48:04.01:09; SDCL 13-32-10; SDCL 13-32-11; SDCL 13-32-12; SDCL 13-32-13; SDCL 13-33A; SDCL 13-33A-6; SDCL 34-20G

Cross References: JHC – Student Health; JHCDA – Student Self-Administration of Asthma or Anaphylaxis Medication; JHCDB – Epinephrine Auto-Injectors; JHCDC – Diabetes Health Care and Insulin Administration; JHCDD – Administration of Opioid Antagonists; JHCDE – Administration of Medical Cannabis to Qualifying Students; JHCDE-E(1) – Administration of Medical Cannabis to Qualifying Students – Medical Cannabis Administration Plan

Adopted: FY2012

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDA
School Board Policy Reference Manual	

STUDENT SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICATION

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

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

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

(5) The parent/guardian (or student, if 18 years old or older), authorizes the school nurse to inform appropriate school employees (i.e., instructors, teacher aides, school administrators, activity supervisors, bus drivers who would have a need to know) that the student may self-administer medication.

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

Legal References: SDCL 13-32-10; SDCL 13-32-11; SDCL 13-32-12; SDCL 13-32-13; SDCL 13-33A; SDCL 13-33A-6

Cross References: JHC – Student Health; JHCD – Administration of Medications to Students; JHCDB – Epinephrine Auto-Injectors; JHCDC – Diabetes Health Care and Insulin Administration; JHCDD – Administration of Opioid Antagonists

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDB
School Board Policy Reference Manual	

EPINEPHRINE AUTO-INJECTORS

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

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

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

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

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

The District, through the student handbooks and such other means as identified by the Superintendent, shall notify the parents or guardians of each student about the policy.

Legal References: ARSD 20:48:04.01:09; SDCL 13-33A; SDCL 13-33A-6

Cross References: JHC – Student Health; JHCD – Administration of Medications to Students; JHCDA – Student Self-Administration of Asthma or Anaphylaxis Medication

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDC
School Board Policy Reference Manual	

DIABETES HEALTH CARE AND INSULIN ADMINISTRATION

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

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

CARE TO BE PROVIDED

- A. Diabetes care may be provided by a school nurse, if available, or by an Unlicensed Assistive Personnel (UAP) who volunteers to provide diabetes care and who has been trained pursuant to ARSD 20:48:04.01.

- B. The delegation of insulin administration to an Unlicensed Assistive Personnel (UAP) is authorized by the South Dakota Board of Nursing rules, ARSD 20:48:04.01. A registered nurse (RN), holding an active South Dakota or multi-state compact RN license, currently practicing and employed as a certified diabetes educator (CDE) or RN currently-employed as a school nurse must be identified to be the delegating nurse to train, test competency, and oversee the process. In many cases, the delegating nurse will communicate with the student and UAP during the school day via video conferencing. The delegating nurse will be referred to as the virtual nurse in this policy.
 - 1. If a student with diabetes needs assistance with care for that condition at school or school-related events, and the services of a UAP is needed, the school shall seek school employees to volunteer to provide that care. The employee must be willing to accept the delegated task of insulin administration. No employee shall be required to be a UAP as a condition of employment. The employee must meet the South Dakota Board of Nursing's Medication Administration training requirements as set forth in ARSD 20:48:04.01, which training shall be provided at school expense.

 - 2. Employees who provide diabetes care as a UAP shall be provided liability insurance through the school's insurance coverage for incidental medical malpractice liability, and the school shall defend and indemnify the employee for any and all costs for which the employee may be liable, provided the UAP's actions were consistent with the training received.

- C. If the school provides diabetes care through a UAP, the school shall decide, after consulting with the parents/guardians, what health care provider or school nurse will provide the virtual nurse support should the school utilize a UAP to provide the necessary care. The school shall then work with that agency to provide video conference calls to the virtual nurse. A secure internet connection shall be

used to dial into the virtual nurse and which shall provide sufficient clarity so the virtual nurse can see the glucose meter and insulin pump screen, insulin pen doses, and insulin syringe lines. A dedicated tablet, laptop, or desktop with video capacity to support calls used to provide services pursuant to this policy shall be securely stored when not in use by the student and UAP.

- D. If diabetes care is to be provided by a UAP, the virtual nurse must be available during school hours and must initiate a weekly interaction with UAP and student(s). The virtual nurse will maintain appropriate documentation related to interactions and weekly logs.
- E. To the extent that the student is not able to perform this care independently, diabetes care provided by the school UAP shall be under the supervision of a school nurse or Virtual Nurse, and may include:
 - 1. Checking blood glucose level at the times and under the circumstances specified;
 - 2. Responding to blood glucose monitoring results;
 - 3. Administering insulin through the insulin delivery system the student uses;
 - 4. Administering oral diabetes medication;
 - 5. Administering glucagon and taking the additional actions set out in the DMMP;
 - 6. Checking for ketones;
 - 7. Recording blood glucose monitoring results and medication dosages and frequency in the weekly log; and
 - 8. Following instructions regarding meals, snacks, and physical activity.
- F. If a student becomes unconscious or unresponsive due to severe hypoglycemia, school employees shall take actions as specified in the student's DMMP and contact 911. No student experiencing hypoglycemia shall be left unattended or shall be sent alone to another location to receive care.
- G. All school employees who have primary responsibility for a student with diabetes at any time during the school day or during school-sponsored activities may receive training. The training will include basic information about diabetes and its management, how to recognize symptoms of hypoglycemia and hyperglycemia, and which school employees should be contacted for assistance in providing diabetes care.
- H. Notwithstanding the other provisions in this section, a parent or guardian may elect to perform diabetes care for his or her child at school or during school-sponsored activities. The election should be made in writing and shall specify the circumstances under which the parent or guardian will provide care and the circumstances, if any, under which school personnel will provide care.

DIABETES MEDICAL MANAGEMENT PLAN (DMMP)

- A. The parent of a student with diabetes who requests services from the school must provide written physicians orders (Diabetes Medical Management Plan, or DMMP), signed by the student's physician. The DMMP identifies the health care needs of, and services to be provided to, a student with diabetes. If the DMMP changes, the parents/guardians shall provide a copy of the changed DMMP, signed by the student's physician, to the principal or principal's designee, and to the UAP. The parents/guardians shall authorize the principal or the principal's designee authorization to speak directly with the student's physician related to the DMMP. The DMMP must contain:
1. A list of the equipment and supplies, if any, that the student is permitted to carry during the school day;
 2. A statement that the student has been trained on the proper and safe use of medication and supplies needed at school, such as syringes and needles, if the child is to carry such supplies at school;
 3. A statement as to which, if any, diabetes care tasks the student is capable of performing without assistance, which of these tasks require assistance from school personnel, and which of these tasks the student is unable to perform;
 4. If the student requires assistance from the UAP with blood glucose or ketone monitoring;
 5. If the student requires assistance from the UAP with insulin, glucagon or other medication administration at school, the medication to be taken, the timing of medication administration, and instructions for calculating the proper dose;
 6. Instructions regarding activity monitoring and exercise plan;
 7. A chart with hypoglycemic recognition and treatment;
 8. A chart with hyperglycemic recognition and treatment; and
 9. Instructions for emergency Glucagon administration.
- B. Once the school receives a copy of the DMMP, the school shall develop and implement a Student Health Plan (SHP) for the student with diabetes that incorporates the provisions of the DMMP. The plan shall specify which school personnel or unlicensed assistive personnel (UAP) will provide diabetes care to the student, if needed. The school may use an individualized Student Health Plan, or include the DMMP in a student's Rehabilitation Act Section 504 Plan (504 Plan), or include the DMMP in a student's Individualized Education Program (IEP).
- C. All supplies and equipment needed by the school to provide diabetes care, including insulin, glucagon, blood glucose meters, and test strips, shall be provided by the student's parent or guardian.
- D. The school may consult with a physician of its own choosing related to any DMMP.

SELF-MONITORING AND TREATMENT

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

Legal References: ARSD 20:48:04.01; SDCL 13-33A-1

Cross References: JHCD – Administration of Medications to Students; JHCDA – Student Self-Administration of Asthma or Anaphylaxis Medication

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDD
School Board Policy Reference Manual	

ADMINISTRATION OF OPIOID ANTAGONISTS

The Board may acquire opioid antagonists and make them available to personnel who are trained by the SD Department of Health (SD DOH) or equivalent to possess and administer the medication for opioid overdose situation in accordance with state law and administrative rules.

Before school personnel may administer an opioid antagonist in the event of a suspected opioid overdose, training must be provided by an individual qualified to do so.

The training must include:

1. Signs and symptoms of an opiate overdose;
2. Protocols and procedures for administration of an opioid antagonist;
3. Signs and symptoms of adverse responses to an opioid antagonist;
4. Protocols and procedures to stabilize the patient if an adverse response occurs;
5. Procedures for transporting, storing, and securing an opioid antagonist.
6. Opioid antagonist duration;
7. The protocols and procedures for monitoring the suspected opioid overdose victim and readministration of opioid antagonist if necessary for the safety and security of the suspected overdose victim; and
8. The method of opioid antagonist administration being taught.

Any school personnel who will have access to the medication and who may administer the medication must receive the required training. Training provided by the SD DOH is at no cost to the District. Training is not required for school personnel who will not have access to the medication or who will not potentially be administering the medication.

Naloxone is an opioid antagonist that comes in either an injectable form or a nasal spray. The medication provided to the schools through the SD DOH will be the nasal spray, and therefore, the SD DOH training will focus exclusively on the nasal spray. The cost of the medication provided by or through the SD DOH will be at no cost to the District. All opioid antagonists must be stored in a locked medicine cabinet, managed by the school nurse or school personnel trained in administration of opioid antagonists or administration of medication.

A standing order by a physician is required for the District to possess the medication. The SD DOH has identified a contract physician who will provide the standing order for the District.

Because opioid antagonists are used in opioid overdose emergency situations, prior parental consent is not required before administration of an opioid antagonist.* Emergency medical services and the parents or guardians will be contacted immediately following the administration of an opioid antagonist.

The District will report naloxone use to the SD DOH on a form developed by SD DOH.

Pursuant to state law, no school district, administrator, school board member, school nurse, or designated school personnel possessing or making available opioid antagonists in accordance with state law, and no health care professional providing training in relation thereto, may be held liable for any injury or related damage that results from the administration of, the self-administration of, or the failure to administer an opioid antagonist, if such action or inaction constitutes, ordinary negligence. This immunity does not apply to an act or omission constituting gross, willful, or wanton negligence. The administration of an opioid antagonist does not constitute the practice of medicine. The immunity provided pursuant to SDCL 13-34A-24 is in addition to, and not in lieu of, any other immunity provided by law.

NOTES: Adapt Pharma, the company that manufactures Narcan (a brand name of naloxone), has offered to all South Dakota high schools an initial supply (two doses) of the medication free-of-charge. The SD DOH has also committed to re-supplying the medication free-of-charge when necessary as long as DOH has the medication available in their stockpile.

* SDCL 20-9-4.1. Immunity from liability for emergency care--Exception. No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such as a volunteer, or any other person is liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief from liability for civil damages extends to the operation of any motor vehicle in connection with any such care or services. Nothing in this section grants any relief to any person causing any damage by his willful, wanton or reckless act of commission or omission.

Legal References: ARSD 20:78:06.02; SDCL 13-33A; SDCL 13-33A-10; SDCL 13-33A-11; SDCL 13-33A-9; SDCL 20-9-4.1

Cross References: JHC – Student Health; JHCD – Administration of Medications to Students; JHCDA – Student Self-Administration of Asthma or Anaphylaxis Medication

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDE
School Board Policy Reference Manual	

ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFYING STUDENTS

The School District restricts the administration of medical cannabis during school hours and at school-sponsored activities unless, in accordance with a practitioner’s recommendation, administration of medical cannabis cannot reasonably be accomplished outside of school hours or school-sponsored activities.

The District permits students with a valid registry identification card for medical cannabis under South Dakota law to be administered medical cannabis on school property or at a school-sponsored activity by their parent/guardian or other registered designated caregiver in accordance with this policy and South Dakota law. In order for a parent/guardian or other designated caregiver to administer medical cannabis to a qualifying student, the District will require the following to be provided initially and thereafter at the beginning of each school year and at any time when the qualifying student’s administration of medical cannabis changes:

- Presentation of the student’s valid State of South Dakota Department of Health approved registry identification card or nonresident card with the State of South Dakota Department of Health’s confirmation of registration (a copy of which will be kept by the school in the student’s educational record);
- Presentation of the State of South Dakota Department of Health approved caregiver’s card showing his/her status as the registered designated caregiver for the qualifying student (a copy of which will be kept by the school in the student’s educational record); and
- A written dated and signed certification by the qualifying student’s recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

The parent/guardian or other registered designated caregiver is the only person who may provide, administer, or assist the student with the consumption of medical cannabis. Schools will not store, and school personnel will not administer, medical cannabis.

Administration of medical cannabis to qualifying students shall be in accordance with this policy. Administration of all prescription and nonprescription medications to students shall be in accordance with applicable law and the District’s policy concerning the administration of medications to students.

Definitions

The following definitions apply for purposes of this policy:

1. “Designated location” means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.
2. “Permissible form of medical cannabis” means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical cannabis to a

qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Smoking or vaping medical cannabis is strictly prohibited and is not a permissible form of medical cannabis for students in a school setting under any circumstances.

3. "Designated caregiver" means the qualifying student's parent, guardian or other responsible adult over twenty one years of age who is the qualifying student's registered designated caregiver and who has a caregiver's card approved by the South Dakota Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student. Any designated caregiver seeking access to school property or school-sponsored activity for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to school and all other applicable policies.
4. "School property" means any school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for the school district's functions.
5. "Qualifying student" means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.
6. "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

Permissible administration of medical cannabis to a qualifying student

A qualifying student's designated caregiver may administer a permissible form of medical cannabis to a qualifying student in a designated location if all of the following parameters are met:

1. The qualifying student's parent/guardian provides the following to the school before the administration of medical cannabis is allowed on school property or at a school-sponsored activity and thereafter at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes:
 - a. The qualifying student's valid registry identification card from the State of South Dakota Department of Health or nonresident card with the State of South Dakota Department of Health's confirmation of registration authorizing the student to receive medical cannabis;
 - b. The completed and signed Form JHCDE-E(1)(Medical Cannabis Administration Plan);
 - c. The designated caregiver(s) card approved by the State of South Dakota Department of Health; and
 - d. Written certification dated and signed by the student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.
2. The qualifying student's parent/guardian provides written notice to the school within ten (10) days of any of the following:
 - a. Change in a designated caregiver;

- b. The student ceases to have a debilitating medical condition, as that term is defined in South Dakota law; or
 - c. The registry identification card is void, expired or revoked.
3. In the event that a new registry identification card is issued, the qualifying student's parent/guardian provides the new card to the school district within ten (10) days of the issuance of the card;
4. The qualifying student's parent/guardian signs the written acknowledgement in Form JHCDE-E(1)(Medical Cannabis Administration Plan) assuming all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis under state law, and releases the district from liability for any claim or injury that occurs pursuant to this policy;
5. The qualifying student's parent/guardian or designated caregiver shall be responsible for providing the permissible form of medical cannabis to be administered to the qualifying student, shall transport it in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and shall not at any given time possess on school property an amount of medical cannabis that exceeds the qualifying student's prescribed daily dosage;
6. The district will determine the location and the method of administration of a permissible form of medical cannabis so to not create risk of disruption to the educational environment or exposure to other students;
7. After administering the permissible form of medical cannabis to the qualifying student, the student's designated caregiver shall remove any remaining medical cannabis from the school property or school sponsored activity;
8. The written dated and signed plan contained in Form JHCDE-E(1)(Medical Cannabis Administration Plan) is prepared that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualifying student.

Additional parameters

School personnel, in their role as employees of the school district, will not under any circumstances:

1. Assist a qualifying student or his/her designated caregiver in obtaining, administering, or using medical cannabis;
2. Store or hold medical cannabis in any form;
3. Ensure the qualifying student is properly using the medical cannabis as instructed by his/her recommending practitioner; or
4. Serve as the qualifying student's designated caregiver of medical cannabis.

This policy conveys no right to any student or to the student's parents/guardians or other designated caregiver to demand access to any general or particular location on school property or at a school-sponsored activity to administer medical cannabis.

When a school-sponsored activity occurs at another South Dakota public school, the location identified by that school will serve as the designated location for the designated caregiver's administration of medical cannabis.

This policy shall not apply to school property or school-sponsored activities located outside of the state of South Dakota, on federal property or any other location that prohibits cannabis on its property.

Permission to administer medical cannabis to a qualifying student may be limited or revoked if the qualifying student and/or the student's parent/guardian or other designated caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

No student is permitted to possess or self-administer medical cannabis. Qualifying students with a valid registry identification card who possess or self-administer cannabis may be subject to discipline just as any other student without a valid registry identification card would be. Student possession, use, distribution, sale or being under the influence of cannabis inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal government indicates that the District's federal funds will be lost or have been lost by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualifying students on school property or at a school-sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

Legal References: ARSD 24:80; ARSD 44:90; SDCL 34-20G

Cross References: GBEC – Use of Alcohol, Drugs, and Controlled Substances; JFCH – Alcohol and Other Drug Use by Students; JHCD – Administration of Medications to Students; JHCD-E(1) – Administration of Medications to Students-Consent Form

Adopted: FY2022

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHCDE-E(1)
School Board Policy Reference Manual	

**ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFYING STUDENTS
Medical Cannabis Administration Plan**

Before the administration of medical cannabis on school property or at a school-sponsored activity, at the beginning of each school year and at any time when the qualifying student’s administration of medical cannabis changes, the student’s parent/guardian must complete and submit to the district this form, the student’s registry identification card, the designated caregiver(s) card, and a written signed certification¹ by the recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

To be completed by the parent/guardian:

Name of Qualifying Student²: _____

School: _____ Grade: _____

Name and Phone Number of Student’s Designated Caregiver(s)³: _____

By initialing the following statements and signing below, the undersigned parent/guardian hereby acknowledges:

_____ I have read and agree to comply with the procedure regarding the administration of medical cannabis to qualifying students as outlined in Policy JHCDE.

_____ I assume all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis to my child.

_____ I understand that no school personnel are required to administer medical cannabis to my child, and that only a registered designated caregiver will be allowed to administer medical cannabis to my child.

_____ I understand that I or the designated caregiver for my child will not at any time possess on school property an amount of medical cannabis that exceeds my child’s prescribed daily dosage, that it will be transported in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and that as soon as I or my child’s designated caregiver administer the dosage of medical cannabis, I or my child’s designated caregiver must remove any remaining cannabis from the school property or school-sponsored activity.

_____ I understand that the district will determine a designated location and any protocols regarding the administration of medical cannabis to my child and that this plan does not allow for the administration of medical cannabis on federal property or any location that prohibits cannabis on its property.

_____ I agree to notify the School District of any change in circumstances as outlined in Policy JHCDE.

_____ I understand that permission to administer medical cannabis in accordance with this plan may be revoked for the failure to comply with the procedure, rules or requirements of the administration of medical cannabis to qualifying students or other policies.

By signing below, I hereby release and hold harmless the School District, its officers, agents, employees, and volunteers from any and all liability, damages, injury or other legal claims which I now have or may hereafter have arising out of the administration of medical cannabis to my child.

Date: _____

Signature of parent or guardian

1 "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship. 2 "Qualifying student" means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis. 3 "Designated caregiver" means the qualifying student's parent, guardian or other responsible adult over twenty-one years of age who is the qualifying student's registered designated caregiver and who has a caregiver's card approved by the SD Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student.

To be completed by the school:

I have received the following:

_____ Student's registry identification card approved by the State of South Dakota Department of Health authorizing the administration of medical cannabis to the student. The expiration date is: _____

_____ The designated caregiver(s) card approved by the State of South Dakota Department of Health authorizing the administration of medical cannabis to the student.

_____ Written certification signed by the recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.

The student's identified designated caregiver's administration of the permissible form of medical cannabis in the designated location has been conditionally approved as follows:

Permissible form(s)⁴ of medical cannabis to be administered:

Oil/Lotion Tincture Edible Product Other: _____

Administration method to be used: _____

Dosage Amount: _____ Time(s) to be Administered: _____

Location of administration⁵ on school property or at a school-sponsored activity:

Date: _____

Name and Signature of Nurse: _____

Name and Signature of Administrator: _____

Copies of the current registry identification card and the registered designated caregiver(s) card will be retained in the student's educational record and updated as needed.

Provide copies of the Administration Plan to:

- Parent/Guardian
- Designated Caregiver (if different than parent/guardian)
- School Principal
- Student's Teacher(s)
- School Nurse

⁴ "Permissible form of medical cannabis" means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Other non-smokable forms may be approved on a case by case basis. ⁵ "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.

Adopted: FY2022

Last Review: FY2022

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHD
School Board Policy Reference Manual	

STUDENT PSYCHOLOGICAL SERVICES

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

Established by law

Legal References: SDCL 13-32-3

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHDA
School Board Policy Reference Manual	

STUDENT WELFARE CRISIS

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

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

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

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

Legal References:

Cross References:

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHFA
School Board Policy Reference Manual	

SUPERVISION OF STUDENTS

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

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

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

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

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

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

Legal References: SDCL 13-32-1; SDCL 22-42-19

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHFB
School Board Policy Reference Manual	

STUDENT SAFETY PATROL

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

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

Legal References: SDCL 13-32-8

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JHG
School Board Policy Reference Manual	

REPORTING CHILD ABUSE

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

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

Any teacher or other school employee who suspects that a child under 18 years of age has been neglected or abused by a parent or other person, will report orally or in writing this information to the building Principal or Superintendent. The Principal or Superintendent shall immediately report this information to the state's attorney; ~~or~~ the department of social services; or to local law enforcement. The teacher or other school employee who witnessed the disclosure or evidence of the abuse or neglect must be available to answer questions when the initial report is made. If the Principal or Superintendent does not confirm to the teacher or other employee within 24 hours that the report has been submitted, the employee will report the information directly to the state's attorney, the department of social services, or to the local law enforcement.

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

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

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

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

Copies of this policy will be distributed by the Superintendent to all school employees at the beginning of each school term, and to new employees when they begin employment if at a different time than the beginning of the school term.

Legal References: SDCL 22-6-2; SDCL 26-8A-3 & 26-8A-6 through 26-8A-15

Cross References: ACAB – Prohibition against Aiding or Abetting Sexual Abuse

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JL
School Board Policy Reference Manual	

STUDENT GIFTS AND SOLICITATIONS

SOLICITATIONS

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

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

GIFTS

Students will be discouraged from the routine presentation of gifts to district employees. When a student feels a spontaneous desire to present a gift to a staff member, the gift may not be elaborate or unduly expensive. The Board will consider as always welcome, and in most cases more appropriate than gifts, the writing of letters to staff members expressing gratitude or appreciation.

Legal References:

Cross References: GBI – Staff Gifts and Solicitations; KI – Public Solicitations, Bingo, Lotteries, and Advertising in the Schools

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JN
School Board Policy Reference Manual	

STUDENT FEES, FINES, AND CHARGES

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

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

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

Certain other items or equipment required of students for personal use may be purchased by the school system and rented to the student. When these are no longer needed by the student, they may be returned to the school, with a refund of the rental fee, dependent upon their condition.

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

Legal References: SDCL 13-34-23

Cross References: JNB – Delinquent Student Fees, Fines and Charges

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JNA
School Board Policy Reference Manual	

LOANING OF TEXTBOOKS

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

Textbooks loaned shall be the same textbooks normally used by the students enrolled in the schools.

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

Legal References: SDCL 13-34-23; SDCL 13-34-24

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JNB
School Board Policy Reference Manual	

DELINQUENT STUDENT FEES, FINES AND CHARGES

To insure the payment of bills, the business manager shall send a letter to the parents/guardians notifying them that their student owes one or more fees, fines, or other charges in the amount of \$_____ or more and the reason the money is owed to the school district. The letter shall inform the parents/guardians that if the amount owed is not paid in full within sixty (60) days of the letter being mailed to the parents/guardians, the account shall be considered delinquent and the District shall file a complaint in Small Claims Court.

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

Legal References: SD UJS; SDCL 15-39

Cross References: JN – Student Fees, Fines, and Charges

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JO
School Board Policy Reference Manual	

STUDENT RECORDS

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

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

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

Student educational records do not include:

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

FERPA permits the disclosure of Personally Identifiable Information (PII) from student's education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student -

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

- Information the school has designated as directory information.

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

Legal References: CFR Title 34 Part 99; USC Title 20 §1232g; (Family Educational Rights and Privacy Acts); ARSD 24:43:09:02; SDCL 13-3-51; SDCL 13-3-51.1; SDCL 13-3-51.2; SDCL 13-3-51.3; SDCL 13-3-51.4; SDCL 13-3-51.5; SDCL 13-3-51.6

Cross References: IL – Testing Programs; ILB – State Required Assessments; JOB – Student Surveys; KBA – Public’s Right to Know

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JOA
School Board Policy Reference Manual	

STUDENT DIRECTORY INFORMATION

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's, guardian's or eligible student's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

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

The District has designated the following information as directory information:

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

The District shall provide, by November first of each year, a list of students by name in grades seven to twelve, inclusive, together with their mailing addresses, to the executive director of the Board of Regents and to each postsecondary technical institute located in the state unless the parent has directed that the District not release directory information about the student.

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

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

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

Legal References: CFR Title 34 Part 99; Public Law 103-382; USC Title 10 § 503; USC Title 20 § 1232g; USC Title 20 § 7908; SDCL 13-28-50

Cross Reference: KBAA – Public Records; KBAA-R(1) – Public Records-(Regulations)

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JOA-E
School Board Policy Reference Manual	

**STUDENT RECORDS
(Notification to Parents Form)**

It is the policy of the district to notify an 18-year old student's parent or guardian of certain student records which must be disclosed under the No Child Left Behind Act, P. L. 107-1 10 (Title IX, Sec. 9528), and also to notify a parent or guardian of his or her right to request the district not to release such information without prior written consent.

Date: _____

Dear Parent/Guardian:

Pursuant to the federal "No Child Left Behind Act," P. L. 107-1 10 (Title IX, Sec. 9528), the School District must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses, and telephone numbers of high school students.

The district must also notify parents/guardians of their right and the right of an 18-year old child to request that the district not release such information without prior written consent.

Parents/guardians or eligible 18-year old students wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and institutions of higher learning must sign the form below and return it to the building principal by _____. (date)

Denial of Consent for the Release of Certain Student Information Under the "No Child Left Behind Act"

Please do not release the name, address, and telephone number of,

_____ to military recruiters and institutions of higher learning. (Name of Student)

Print Name of Student	School	Grade
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Parent's/Guardian's or 18-year old Student's Signature	Date
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Legal References:

Adopted: FY2012

Last Review: FY2021

Next Review Scheduled For: FY2026

Arlington School District 38-1	NEPN Code: JOB
School Board Policy Reference Manual	

STUDENT SURVEYS

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

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

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

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

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

The District shall annually provide notice to students and parents/guardians of their rights as set forth in this policy, by publishing notice of the policy in the newspaper and in the student handbooks. The policy shall also be printed in the teacher handbook.

Notes: By state law, the Secretary of the Department of Education may add to the list of survey topics that require consent prior to a student participating in the survey, and should the Secretary of Education add to the list identified in this policy then this policy shall also apply to such topic(s).

Legal References: USC Title 20 § 1232h; SDCL 13-3-51.1; SDCL 13-3-51.2; SDCL 13-3-51.3; SDCL 13-3-51.4; SDCL 13-3-51.5; SDCL 13-3-51.6

Cross References: JO – Student Records

Adopted: FY2021

Last Review: FY2021

Next Review Scheduled For: FY2026