

August 2021

Dear Parents and Students:

Welcome to the 2021-2022 school year. As the year begins, we are all excited about the opportunity to serve the educational needs of all children.

We hope to continue the partnership between parents and the school personnel. This partnership is most effective when communication occurs on a continual basis among students, parents and the school staff. We invite parents to visit school, talk to the staff, volunteer in school, and generally get involved in the total educational process.

This handbook should be helpful in answering your questions, as well as offering some useful information. Please call anytime if you have questions.

Please sign, complete and return the bottom part of this page stating that you have read this Handbook. Please return by Tuesday, August 24<sup>th</sup>, 2021 and we will keep them on file for the entire 2021-2022 school year.

Sincerely,

White Lake Elementary Teachers

\*\*\*\*\*

***Yes, we have read through the 2021-2022 Elementary Student Handbook.***

---

***Parent's/Guardian's Signature***

***STUDENT(S) NAME(S):***

---

## Table of Contents

Absence for an Activity	15
Absence from School	11
Accidents	17
Administering Medicine Policy/Form	31-32
Assembly Programs	17
Band	13
Bullying Policy	38
Bus Service	15-16
Cameras	16-17
Candy, Etc.	18
Cheating	19
Class Parties	14
Classes Outdoors	19
Computer/Internet Policy	24-30
Course of Study	12
Crisis Plan	9-10
Discipline	20
Dress Policy	15
Drinking/Use of Tobacco	18
Drug Policy	35
Evacuation/Lockdown	9-10
Eligibility for Activities	14
Expectations	3-5
Extended School Day	12
Field Trips	18
Fire Drills/Exits	19-20
First Aid	17
Golden Rules	7
Grading System	11
Guidance Program	16
Hot Lunch Special Diet Form	33-34
Long-Term Suspension	21-23
Make-Up Work	12
Medical Cannabis Policy	45-48
Medical Release Form	13
Mission Statement	7
Monies & Valuables	18
Music	13
Nondiscrimination in Federal Programs/Complaint Form	74-81
"No School" Announcements	17
On-Line Publication Form	44
Parent Compact Policy	5
Parent Involvement Policy	3-4
Parent/Teacher Conferences	15
Philosophy	8
Physical Education	13
Playground Rules	18-19
School Buses/Rules	16
School Hours	10
School Meals	15
School/Parent Compact Policy	3-5
Sexual Harassment Policy/Complaint Form	49-73
Short-Term Suspension	21
Special Education	14
Speech Therapy	14
Staff	6
Student Absences	14
Student Behavior	10
Student Due Process	21
Student Errands	17
Students in Building After Hours	14
Tardy Policy	14-15
Telephone Policy	16-17
Textbooks	19
Title I Program	14
Transfer From Non-Accredited Schools	13
Transition/Homeless Policy	36-37
Weapons Policy	20
Wellness Policy	39-43

# White Lake District Parental Involvement Policy

*In support of strengthening student academic achievement, the White Lake School District receives Title I, Part A Funds. Title I is a federally funded program designed to improve educational opportunities by providing aide to elementary and secondary education. The intent of Title I is to expand learning opportunities while supplementing basic skills instruction in reading and math. This program serves students who have need of improving their reading and/or math skills. As part of this program, we will jointly develop, agree on with, and distribute to, parents of participating children a written parental involvement policy. This policy establishes the district's expectations for parental involvement and describes activities and opportunities for parents within the district.*

*The goals of the Title I program are to:*

- *Develop positive attitudes towards reading/language arts and math*
- *Individualize reading/language arts and math instruction according to student needs*
- *Increase reading/language arts and math achievement*
- *Increase student self-esteem*
- *Involve children with parent(s) in reading/language arts and math activities at school and at home*

## **STATEMENT OF PURPOSE**

*The White Lake School District is committed to the goal of providing quality education for every student within the district and recognizes that some students may need the extra assistance available through the Title I program. It also recognizes the extremely important role a parent plays in the educational success of a student. As such, this School Parent Involvement Policy has been established to promote parental involvement within the school.*

## **PARENT ADVISORY COMMITTEE (PAC)**

*The White Lake School District recognizes that one of the best methods to maintain positive communication with parents, and to establish sound public relations, is through temporary Parent Advisory Committees. These committees will be appointed when needed for specific time and purpose, and will be under the supervisory control of the superintendent or designee. Parents will be notified of PAC meetings through phone calls, newsletter, and e-mail communication. The PAC will help with the planning, reviewing, and an improvement of the Title I program. The committee will coordinate and integrate parental involvement strategies with all applicable programs including Head Start, preschool facilities, as well as, transition services.*

## **TYPE OF PARENTAL INVOLVEMENT**

*Parents can become involved with their child's education in many ways. The White Lake School District values the at-home contributions of families, and those that take place at school. Reading to students at home, helping with homework, and discussing the day's activities over the dinner table are as important as volunteering at school. We believe that education children is a team effort, so the White Lake School District will work to assist parents in understanding the academic standards, help parents work their child(ren) to raise achievement, and plan activities throughout the year for families.*

## **TITLE I PARENT INVOLVEMENT GUIDELINES**

*The Board of Education believes that activities to increase involvement are a vital part of the Title I Program. Parents will have an opportunity to design, implement, evaluate, and suggest changes to improve the program. They will be provided with a description of current curriculum used at the School, the Content Standards adopted by the South Dakota Department of Education, and explanation of what assessment will be used to measure student progress and what goals and expectations have been set in relation to those assessments. Other major components of the Title I program include parental notification, parental in-service, student program reports, parent-teacher conferences, parent visitation, parent advisory committees, meetings, in-service for teachers, announcements, and policy dissemination.*

*A copy of the Title I Handbook will be distributed to all families who have a child in the program. The handbook and Title I Consolidated Application are on file in the office.*

*Adopted: 5/12/08  
Amended: 7/15/13*

## **WHITE LAKE SCHOOL-PARENT INVOLVEMENT POLICY**

### **In relation to Title I programs, the White Lake School District will:**

- Involve parents in the planning, review, and improvement of the school's parental involvement policy, in an organized, ongoing and timely way. The White Lake School District will establish a committee which meets at least two times annually to plan, review, and evaluate the goals of the program.
- Involve parents in the joint development of any Title I School-wide program plan, in an organized, ongoing, and timely way. The parents will be given an opportunity to comment in writing on the Title I School-wide program at each Parent-Teacher Conference. Surveys, which include a comment component, will be distributed at each Parent-Teacher Conference session and information will be gathered and discussed by the Title I Committee.
- Hold an annual meeting to inform parents of the school's participating in Title I, Part A programs, and to explain the Title I, Part A requirements, and the right of parents to be involved in Title I, Part A programs. The school will convene the meeting at a convenient time to parents, and will offer a feasible number of additional parent involvement meetings, such as in the morning or evening, so that as many parents as possible are able to attend. The School will invite to this meeting all parents of children participating in Title I, Part A programs (participating students), and will encourage them to attend. Parents will be notified of these meetings through the school web page, school newsletter and notes sent home with all students in the Title I school.
- Coordinate and integrate parental involvement strategies with all applicable programs in each school including Head Start, day care facilities, preschool services, as well as, transition services. The parents of these children will be given the opportunity to attend events held at the school such as: Pre-School Roundup and Kindergarten Screenings. Information for these activities will be listed on the school webpage and in the monthly school newsletter.
- Provide information to parents of participating students in an understandable and uniform format, including alternative formats upon the request of parents with disabilities, and, to the extent practicable, in a language that parents can understand.
- Provide to parents of participating children information in a timely manner about Title I, Part A programs that includes a descriptive and explanation of the school's curriculum, the forms of academic assessment used to measure children's progress, and the proficiency levels students are expected to meet. This information will be disseminated to the parents at P/T conferences by each classroom teacher.
- On the request of parents, provide opportunities for regular meetings for parents to formulate suggestions, and to participate, as appropriate, in decisions about the education of their children. The school will respond to any such suggestions as soon as practicably possible. The meetings will be posted on the school website, and/or sent out in the monthly newsletter.
- Provide to each parent an individual student report about the performance of their child on the State Assessment in at least math, language arts and reading. This information will be sent home to the parent within two weeks of receiving it at the school. An informational meeting on evaluating and understanding their child's test scores will be held during the fall parent/teacher conferences.
- Provide each parent timely notice when their child has been assigned or has been taught for four (4) consecutive weeks by a teacher who is not highly qualified.
- Work with the District to ensure that a copy of the State's written complaint procedures for resolving an issue of violation(s) of a Federal statute or regulation of Title I, Part A programs is provided to parents of students and to appropriate provide school officials or representatives.

# White Lake School-Parent Compact

## School District Responsibilities

The White Lake School District will:

- Provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating children to meet the State's student academic achievement standards as follows: Teachers will utilize textbooks, guided reading strategies in grades PreK-5, MAPS Testing, SD Interim Assessments, and supplemental materials to ensure that all students master the South Dakota State Standards for their grade level. Every effort is made to make certain that curriculum is chosen to directly correlate to the SD Content Standards. Teachers and staff will provide an environment conducive to learning, provide meaningful and appropriate homework activities, maintain open lines of communication with the student and his/her parents, and demonstrate professional behavior and a positive attitude.
- **Hold parent-teacher conferences during which this compact will be discussed as it relates to the individual child's achievement.** Specifically, those conferences will be held two times during the school year. The first conference will be held shortly after the end of the first quarter and the second conference will be held shortly after mid-term of the third quarter.
- **Provide parents with frequent reports of their children's progress.** Specifically, the school will provide reports to parents at the end of each quarter, as well as, providing parents with student deficiency reports when the need arises in grades Pre-K-6. Parents will have continuous access to the DDN Campus Parent Portal which will include their child's daily assignments and grades for each subject area. Those grades will be updated a minimum of once a week.
- **Provide parents reasonable access to staff.** Staff will be available for consultation with parents before and after school. They may be available during their planning time by appointment. Teachers will make every effort to find a time to meet with a parent at the convenience of the parent.
- **Provide parents opportunities to volunteer and participate in their child's class, and to observe classroom activities.** Parents are continuously invited to visit their child's classroom.

## Parent Responsibilities

**As parents, we will support our children's learning in the following ways:**

- Seeing that my child attends school regularly and on time.
- Let the teacher know if my child has any problems with learning.
- Work with my child to ensure that all homework assignments are completed.
- Taking an active role in my child's life by talking to him/her about school issues.
- Volunteering in my child's classroom.
- Encouraging my child to read at home and challenge themselves academically.
- Read to my child 20 minutes a day.
- Participating, as appropriate, in decisions relating to my children's education.
- Promoting positive use of my child's extracurricular time by monitoring TV time, computer time, game system time, etc.
- Staying informed about my child's education and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding, as appropriate.
- Serving, to the extent possible, on advisory teams.
- Showing respect and support for my child, the teacher, and the school.

## Student's Responsibilities

**As a student, I will share the responsibility to improve my academic achievement and achieve the high standards by:**

- Always trying to do my best in my school work and in my behavior.
- Completing my homework every day and asking for help when I need to.
- Sharing all notices and information received by me from my school every day.
- Attending school regularly.
- Conforming to rules of student conduct.
- Taking pride in my school.
- Respecting and working cooperatively with my teachers and classmates.

## 2021-2022 Elementary Staff

Robert Schroeder	Superintendent/Principal
Toni Haines	Business Manager
Lori Peters	Secretary
Karla Steichen	Head Cook
Danielle Assmus	Assistant Cook
Rebecca Moore	PreSchool/Physical Education
Kim Meier	Jr. Kindergarten/Kindergarten/Afterschool Program
Julie Ehlers	First Grade
Jessica Podzimek	Second Grade/Third Grade/Afterschool Program Director
Natia DeGeest	Fourth Grade/Fifth Grade
Jimmy Reed	Vocal Music/Instrumental Music
Teresa Moeller	Title I/Special Education
Tayla Gottlob	Special Education/After School Program
Kerry Fink	Counseling
Jim Miller	Bus Driver
Lance Moeller	Custodian/Bus Driver
Susan Cason	Custodian/Bus Driver
Colleen Glissendorf	SPED Paraprofessional/After School Program Snacks
Lindsay Hoffman	Paraprofessional/After School Program
Brenna Clites	Paraprofessional
Emily Gillen	SPED Paraprofessional

## MISSION STATEMENT

This mission statement of the White Lake School District 1-3 is as follows: "WE ARE HERE TO HELP YOU LEARN AND BE SUCCESSFUL".

--The White Lake Staff

### PARENTS HAVE THE RIGHT TO EXPECT:

1. That the school will be operated in a business-like and responsible manner with both requirements and regulations being reasonable.
2. That a reasonable required workload will be established for all students and that progress in studies be given first claim on the sources of the school.
3. That parental inquiries, visits, and complaints receive prompt and courteous attention, and that the school's response to these inquiries or complaints reflects a constructive and helpful attitude.
4. That teachers' grading will be as fair and impartial as possible and the basis for such grading be understood by both students and parents.
5. That assignments be definite with a reasonable amount of assistance given in class. That, on the initiative of the students, as much individual help be given as resources will permit.

### THE SCHOOL HAS THE RIGHT TO EXPECT FROM PARENTS:

1. That parents will assure that their student's attendance be regular and punctual.
2. That a student absent from school will make up work missed.
3. That extra help in a subject, beyond that which can be given during class time, should be on the initiative of the student.
4. The parents who expect their student to earn university entrance grades should demand a regular routine of home study. The total amount of such study should be from one to two hours a day. Its distribution among difference subjects will be an individual matter.
5. That parent complaints be first registered with the lowest level so as to provide the school an opportunity to make adjustments.

## GOLDEN RULES FOR EASIER LIVING

1. If you open it, close it.
2. If you turn it on, turn it off.
3. If you unlock it, lock it up.
4. If you break it, admit it.
5. If you can't fix it, call in someone who can.
6. If you borrow it, return it.
7. If you value it, take care of it.
8. If you make a mess, clean it up.
9. If you move it, put it back.
10. If it belongs to someone else and you want to use it, get permission.
11. If you don't know how to operate it, leave it alone.
12. If it's none of your business, don't ask questions.
13. If it isn't broken, don't fix it.
14. If it will brighten someone's day, say it!

## WHITE LAKE SCHOOL DISTRICT NO. 1-3 PHILOSOPHY

The White Lake School District 1-3 believes that people are our most valuable resources. We further believe in the supreme worth, dignity, and uniqueness of each individual.

The White Lake School District 1-3 believes that the responsibility of the school is the education of children. While the home, the Church, and the community yield important influences, the best education outcomes can be attained through a joint effort of students, school staff, and the community. Our school not only must serve as a force of intellectual stimulation, but should foster social development. It should provide the highest level of academic training consistent with the needs of the community and offer a minimal program of practical skills. The school shall strive to equip its students with the fundamental concepts necessary for life in a democratic society, support and re-enforcing the cultural, political, ethical, and moral values of this community and this nation.

The White Lake School District 1-3 is concerned with the mental, emotional, and physical health of your youth. In accordance with this belief we should strive to cooperate with law and health officials in the eradication of the drug and alcohol problems.

We encourage and support those student activities which will give experience in the democratic process and demonstrate sound educational value. Our school is a community as well as a place of learning, and we strive to keep the various activities in a reasonable balance.

The ultimate purpose of the educational process in the White Lake School District is to prepare each student to accept responsibilities to self, family, community and country, thus becoming a contributing member in our changing global society.

Code Reference

Revised: 6/87

Approved: 8/10/87

# WHITE LAKE SCHOOL CRISIS PLAN

## **GOAL**

The White Lake School Crisis Management Plan is meant to provide a guide to maintain order and operation of the school. It is also meant to meet the needs of the students, their families, and the staff in the unlikely event that a crisis or tragic loss might occur.

## **OBJECTIVES**

1. To maintain a safe school environment for the students and staff of the White Lake School.
2. To meet the needs of the students, staff and community members affected by the crisis.
3. To recognize that the possible problems encountered by an affected family take precedence over problems of the school.
4. To effectively communicate with students, staff, and parents through the use of the most practical methods.
5. To continue effective instruction and carry out established routines, rules, and regulations.
6. To present a unified and predictable plan of action by the school in the event of a crisis.

## **PROCEDURE**

When any individual within the school becomes aware of a crisis situation (death, suicide, fire, tornado, severe weather, school accidents, gas leaks, bus accidents, intruders/weapons, missing child), it is the responsibility of that individual to immediately call Mr. Robert Schroeder, Superintendent, and inform him of all the known facts.

If the crisis situation happens when school is not in session, the Staff Calling Tree will be used to notify all school employees of the crisis.

If the crisis situation happens when school is in session, then Mr. Schroeder will notify the staff while they are in school. Mrs. Toni Haines, Mr. Jimmy Reed, and Mrs. Kim Meier will be convened to finalize further action.

This administrative team will decide what procedures will be taken.

1. Notify parents involved.
2. Make arrangements with parents regarding transporting students
3. Notify local law officials.
4. Move all of the students to pre-designated areas.
5. Release students and take them home and/or allow them to drive home.
6. Delay or terminate the school day.

## **ANNOUNCING THE EVENT TO STUDENTS**

If the crisis occurs during school hours, all students will be notified after staff members have been briefed of the situation if situation warrants.

If the crisis occurs during non-school hours, all of the student's families will be notified via the calling tree.

If the crisis has the possibility of causing emotional stress for students, then counselors from the surrounding schools and the CORE Educational Cooperative will be asked for assistance.

**Specific Procedures for the Evacuation Plan, Shelter-in-Place, and Lock-down procedures will be displayed in each classroom throughout the building. Periodic drills will take place to practice such incidences. Aurora Brule Care & Rehab (Nursing Home) will be the Far Evacuation site if such need arises.**

## **SCHOOL HOURS**

School hours are 8:00 am to 3:21 pm. Students should NOT be at school before 7:45 am. **(Main Vestibule doors will be locked until 7:45 am).** School dismisses at 3:21 pm. Students need to be picked up from school no later than 3:25 unless they are part of an after school group or other arrangements have been made. **Students will not be allowed to stay on school property unsupervised after this time.**

## **STUDENT BEHAVIOR**

We believe children choose how they are going to behave. We can teach and children can choose appropriate behavior while they are at school. Very seldom should student behavior require attention other than that given by the classroom teacher. If additional help is required, the principal is notified. The situation will be discussed with the child and teacher. Parents will be notified when behavior is extreme or when poor behavior is repeated by a student. The White Lake School Board Policy on discipline will be followed.

## **MONITORING PROGRESS OF STUDENTS**

Report cards are issued four times on a 9-week basis. Report cards are the no-return type and sent home at the end of each 9-week period.

Parent/teacher conferences are scheduled twice a year. If, however, the parents want to meet with a teacher, they may contact the school and we will arrange a time convenient for both parties.

## GRADING SYSTEM

The following system will be used in determining grades:

100%	A+
99-94%	A
93-92%	A-
91-90%	B+
89-87%	B
86-85%	B-
84-83%	C+
82-77%	C
76-75%	C-
74-73%	D+
72-67%	D
66-65%	D-
64% & Below	F

Effort marks will be used as the following information indicates:

1. Grade "S" (Satisfactory): The student is working up to his/her ability.
2. Grade "I" (Shows Improvement): Work is improving.
3. Grade "X" (Acceptable): Improvement is possible and desired.
4. Grade "U" (Unsatisfactory): Effort does not even meet minimum requirements. Improvement is necessary.

## STUDENT ABSENCES AND EXCUSES

A student's contribution to and achievement in class is 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, presentations, discussions and student-teacher interaction can never be made up.

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

1. Personal illness of such seriousness as to make attendance at school unsafe, impractical, or harmful either to the student or to others; or for quarantine.
2. Bereavement or serious illness in the student's immediate family.
3. Weather so inclement as to endanger the health or safety of the student.
4. Observance of a major religious holiday.
5. Doctor's appointment

A student may also be excused for other exceptional reasons with approval of the Principal. Also, with such approval, a student may be excused from school attendance for up to five (5) days for attendance at a state or nationally recognized youth program of educational value, including the State Fair. Credit will not be given for work missed for any absence that is not excused.

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

Should your child be ill and unable to attend school, parents are asked to please call or notify the school that your child will be absent. This is the only way we have of knowing whether your child made it to school after he/she has left home.

All absences require a written statement from the parent or guardian explaining the absence. Included in the explanation should be the date the student was absent from school, and whether it was a full day or part of a day. The reason the student was absent should also be included. Absence for any reason other than the four above must be excused by the Principal before the absence occurs. In this case a written excuse must be presented, or the parent or guardian must call the Principal before the absence.

NOTE: All doctor's appointments should be made as late in the afternoon as possible.

### **EXTENDED SCHOOL DAY**

A teacher who believes that a student is not working up to his/her potential may place the student on an extended school day. Parents will be notified by the teacher and the student will be required to stay after school the day of notification.

### **MAKE-UP WORK**

Absence from class seriously interferes with the progress of the student and the class as a whole. A student who is absent, even for an occasional half day, naturally misses some points in the class discussions which can never be "made up". The student is deprived of discussion that has a direct bearing on lessons that are to follow. The students who have learned the virtues of regular attendance and punctuality have accomplished much.

Schoolwork missed by a student must be made up before a grade or credit can be given in the course. This make-up work is assigned by the individual teachers and normally must be made up in a length of time equal to twice the time missed unless otherwise directed by the individual teacher. If a student knows in advance that he/she is going to be absent, the make-up work must be done before the absence. This applies to students going to school activity trips as well as to others. Recess time and Extended School day can be used by classroom teacher to get students caught up on Make-up work.

### **COURSE OF STUDY**

The elementary school curriculum encompasses the areas of language arts, mathematics, health, science, social studies, art, physical education, and music. The Content Standards in Mathematics, Science, and Language Arts may be found with each Teacher. The curriculum provides a special approach to each subject area.

## **TRANSFERS FROM NON-ACCREDITED SCHOOLS**

The White Lake School District will accept credits of students transferring from non-accredited schools subject to the following conditions or guidelines:

1. A standardized achievement test shall be administered and evaluated by the building principal and staff of the school.
2. The student will be placed in English and Mathematics courses at the level of achievement demonstrated by the tests, as evaluated by the Principal and appropriate staff. The student's placement may not be in a grade level higher than warranted by the student's chronological age, assuming entry into the first grade at age 6 and annual grade advancement thereafter. After initial placement, the child may be advanced according to the student's demonstrated performance.
3. In all other subjects the student shall be interviewed and shall take a departmental examination in each course for which the granting of credit is being considered. After the examination and interview with the student, the department chairperson and staff will recommend to the building principal whether or not credit be granted for the course.
4. No credit will be granted for any science course which is normally a laboratory course, unless clear documentation is provided demonstrating experience which are parallel or are consistent with those required in this district's science courses.
5. Any parent or guardian who is dissatisfied with the secondary placement of a student may appeal it to the Superintendent of Schools. Final appeal, after the appeal at district level, may be made to the State Secretary of Education.

## **MEDICAL RELEASE FORM**

A pupil information sheet is sent home each year that asks for medical information about your child. Please complete this information about your child carefully. This information will be helpful for any medical emergencies that may arise. In case of emergency, when the parent cannot be reached, the doctor indicated on the information sheet will be contacted. If any changes need to be made on your child's medical form, please contact the school.

## **MUSIC AND BAND**

Grades 2-5 have vocal music twice each week for one-half hour. Kindergarten and 1<sup>st</sup> grade have music class twice each week for approximately 25 minutes. Preschool- one day/week. Music classes include basic music theory, as well as rhythm and singing. Instrumental music is available to students in grades 4-5.

## **PHYSICAL EDUCATION**

Students in grades K-5 will have scheduled physical education classes weekly. Students are excused from physical education classes only with a written note/ telephone call from their parents or a written note from their physician. P.E. shoes are required for all students in grades K-5. These shoes are to be left at school. They do not need to be new shoes, but they need to be washed before they are brought to school.

## **TITLE I PROGRAM**

Title I is a federally funded program that was set up to provide a more individualized approach to problem areas that a student may be having in math and reading. The program is designed to supplement the skills taught in the classroom, which gives the student a greater opportunity to succeed in the classroom.

## **SPECIAL EDUCATION/SPEECH THERAPY**

The White Lake School belongs to an educational co-op consisting of many schools pooling resources to provide for a comprehensive program of services in the area of special education, speech therapy and other programs for children with special needs. White Lake School District also has their own Special Education teachers on staff.

## **GUIDANCE PROGRAM**

The White Lake School District offers a K-12 Guidance/Counseling program to meet the needs of its students. Many activities are presented at a group level as well as the opportunity for further one on one or small group counseling, if desired.

## **CLASS PARTIES**

Each year we do conduct class parties. Parties occur at Halloween, Christmas, and Valentine's Day. Most classroom teachers utilize some form of student participation for the parties. If you are interested in assisting, please contact your child's teacher.

Throughout the school year, the classroom teachers may have reward parties or parties for reaching a class goal, as a means of recognizing a class accomplishment.

Students may bring treats to school for birthdays, as well. We would ask, however, that no individual party invitations be sent to school.

## **ELIGIBILITY FOR ACTIVITIES**

For all extra-curricular activities, no student shall be permitted to participate in a practice or event if he/she is not present at least one-half day of school on the day of the practice, meet, or contest, or without the permission of the Principal and Athletic Director.

## **STUDENTS IN THE BUILDING AFTER HOURS**

All students are required to be out of the school buildings by 3:25 p.m. unless under the direct supervision of a faculty or staff person. Only those students directly involved in an after-school activity will remain after 3:25 p.m.

## **TARDY POLICY**

If a student receives tardies during a nine-week period, he/she will receive:

- 3 tardies equals one-half (1/2) hour detention after school.
- 4 tardies equals one (1) hour detention after school.
- 5 or more tardies equals (1) hour detention for remainder of assigned detention dates for that quarter (if no assigned dates remain 1 day ISS will be assigned)

The classroom teacher will notify parents if the situation arises. Students will not be allowed to participate in after school program or any activities on the date detention or suspension is served. Parents will need to make arrangements accordingly. Each quarter is a new slate for tardies.

### **ABSENCE FROM SCHOOL FOR AN ACTIVITY**

Participation in, or attendance at, any school activity is not listed as an absence even though it takes the student away from school. Attendance at the event must be approved by the Principal and make-up work must be done ahead of time.

A sincere effort for regular attendance is continued with each child as long as he/she can profit from attendance and his/her conduct is compatible with the welfare of the group. Once a student has missed 8 times during a semester, then each absence thereafter will require a medical slip to explain the student's absence or the principal's approval.

### **STUDENT DRESS POLICY**

Students may wear shorts during the fall semester until November 1<sup>st</sup> and during the spring semester from April 1<sup>st</sup> until the end of the year. Tank tops with wide straps are acceptable, **no tube tops, no bare mid-riffs**, etc. will be permitted. Shirts or tops with logos advertising tobacco or alcohol or with profanity and unseemly wording will not be permitted. All clothing should exhibit good taste. **Shorts must be no shorter than an arm length.** Caps or hats will not be worn inside the buildings at any time other than special events---- special days such as Western Day, etc. during homecoming week. On the field trips, activity trips, etc. appropriate dress will be established by the supervisor in charge, but cannot include levis or blue jeans.

All visiting students must abide by the dress codes of the White Lake Students.

### **PARENT-TEACHER CONFERENCES**

There will be a conference session between parents and teachers during the first and at conclusion of third marking periods.

### **SCHOOL MEALS**

Breakfast will be served for \$1.75 and noon lunches will cost \$2.75 for Grades K-5 and \$3.00 for Grades 6-12. Afterschool snacks are \$.80. Extra Milk is \$.50.

School meals should be paid for in advance. Breakfast and Hot Lunch Accounts with no credit balance will have 3 school days "grace period." After the 3-day grace period, arrangements must be made with administration.

### **SCHOOL BUSES**

The driver is in full charge of the pupils and the bus. The driver's relationship with the pupils should be on the same plane as that of a teacher in the classroom. Bus transportation for pupils is not entirely a right, but more like a privilege, conditioned upon courteous behavior and obedience to the established rules. The safety of the bus and its

passengers demands complete cooperation from the pupils. It shall be the duty of the driver to report to the school administrator the names of any pupils who violated the rules and regulations. The administrator may find it necessary to withhold the privilege of riding on the bus from those pupils who fail to cooperate accordingly.

### **SCHOOL BUS RULES FOR STUDENTS**

1. Students must be on time; the bus cannot wait for those who are tardy.
2. Unnecessary conversation with the driver is prohibited.
3. Outside of ordinary conversation, classroom conduct is to be observed by students. Any student who is guilty of unbecoming conduct, of using inappropriate language, of abusing or casting reflections on the driver or upon other students forfeits the privilege to ride on the bus.
4. Students must not throw waste paper or other rubbish on the floor of the bus.
5. No student will, at any time, extend arms or head out of bus windows.
6. Students must not get on or off or move about the bus while it is in motion.
7. Students must await the signal from the driver to cross a road or highway, the cross promptly. The crossing should be made approximately 10 feet in front of the bus, in full view of the driver.
8. Any damage to the bus is to be reported at once to the driver.
9. Students not riding the bus for any reason must notify the bus driver in advance so he/she may take the necessary time allotments in his/her route.

### **BUS SERVICE (INCLEMENT WEATHER/POOR ROAD CONDITIONS, ETC.)**

When we are in a season of inclement weather that creates poor road conditions, the school bus will travel only on roads that the bus driver determines will not jeopardize the health and safety of the students and driver.

School buses will only travel on roads that are maintained and appear to be free of obstacles that may impede safe passage. The bus drivers are very concerned about the conditions of roads such as soft roadbeds, flooding, soft shoulders on narrow roads, sinking culverts, etc.

We cannot always guess what "Mother Nature" has in store for us. We attempt to keep the health and safety of our students and drivers as first priority. You as a parent/guardian may choose to keep your child or children at home during periods of inclement weather in which you do not feel comfortable sending them or you may elect to transport them yourself.

### **TELEPHONES & CAMERAS**

Students are asked to use phones located in one of the offices if they need to make a call upon getting permission. If teacher allows, classroom phones may also be utilized. Please limit the usage to 2-3 minutes in length. Students are not to be called from their classroom except for emergencies. Messages phoned in will be forwarded to the students. Cell phones are allowed in the building but are to be turned off or on silent upon entering the building and during the school day. Any cell phone use during class time will need to be authorized by the classroom teacher. Anyone in violation – 1<sup>st</sup> offense the phone will be taken until the end of the day; 2<sup>nd</sup> offense the phone will be given to the principal-detention will be assigned; 3<sup>rd</sup> offense is considered insubordination. Instructors may require you to place phones in a basket during class.

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 violation of this policy involve highly inappropriate activities including, but not limited to Electronic communication that contains inappropriate content, profanity, intimidation or threats to others; 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; Academic dishonesty or cheating; The use of camera or recording features of cellular phones and portable digital media devices in restroom, locker rooms or for any use constituting an invasion of any person's reasonable expectation of privacy; 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 Refusal to relinquish phone to persons of authority upon request.

### **ASSEMBLIES**

General assemblies will be held on occasion for all grade school students throughout the school year. These assemblies will be held in the gym unless otherwise notified

### **“NO SCHOOL” ANNOUNCEMENTS**

“No school” announcements will be made over radio station KORN, Q107FM, KPLO, and KELO-TV.

### **STUDENT ERRANDS**

Students will not be sent on errands by anyone which involves leaving the school grounds without first getting permission from the Principal or Superintendent. In their absence, please follow the chain of command.

### **ACCIDENTS**

Serious accidents that happen on the school grounds or during school activities should be reported immediately to the person in charge of the activity or event and also to the Principal or Superintendent. The parents should also be notified as soon as possible.

### **FIRST AID**

The Elementary Principal's Office has on hand basic first aid supplies such as band-aids, and if needed, the student may request from the office.

Aspirin are classified as a drug, therefore, the office will not hand out aspirin to any student. If a student is taking a medical prescription and the parent feels the office should be aware of this for the student's safety, please contact the Principal. If parents wish the teachers to administer medication, they must complete and sign the medical forms at the end of this handbook.

## **FIELD TRIPS**

All field trips, except those within walking distance, will be taken in a school bus unless the number of students would require one or two cars. All field trips will be supervised by the teacher organizing the trip. If the group is large enough to require more supervision, the teacher may call on parents or other responsible adults to help. The school will not assume liability for students attending these trips by means other than those cited above. All field trips shall be first approved by the Principal.

When students leave during school hours on a school bus, one permission form signed by parents will be used for ALL trips. It is the parent's responsibility to notify the school if they do not want their child attending a particular trip.

## **MONIES AND VALUABLES**

Monies and valuables left in the building are not the school's responsibility but are the personal responsibility of the individual concerned.

## **CANDY, ETC.**

The eating of candy, gum, sunflower seeds, etc. will not be permitted.

## **DRINKING OR USE OF TOBACCO**

Vaping, smoking, use of tobacco, or drinking of alcoholic drinks by students is prohibited in the building, or on the school grounds, and at all school sponsored activities.

## **PLAYGROUND RULES**

- \* Play fair with everyone and SHARE
- \* Teachers will pick teams
- \* Stick to the rules.
- \* One on a swing at a time.
- \* Swings go forward and backward, not side to side.
- \* One person down the slide at a time. NO climbing up the slide.
- \* Teeter totter is to sat in, not stood on.
- \* Sit on the merry-go-round. NO STANDING!
- \* No sticks, guns, swords, hard baseballs, bats

- \* TOUCH football only
- \* Whoever takes equipment out, brings it back in
- \* Let teachers know when you need to go inside
- \* Play away from the windows
- \* Keep woodchips in the playground area
- \* WINTER: Wear hat, gloves and boots
- \* Make snow forts and snowmen, NO SNOWBALLS
- \* No digging tunnels
- \* Slide down a hill NOT King of the Mountain
- \* NO climbing through the windows of the playhouse
- \* When the whistle blows, line up right away

Between the hours of 8:00 AM – 4:00 PM, no scooters, skateboards and rollerblades on school grounds.

### **CLASSES OUTDOORS**

Classes held outdoors shall first be approved by the Principal.

### **CHEATING**

Students caught cheating during a test, quiz, or daily work will be given zeros and disciplined by the home room teacher. Notification to the parents and Principal must occur each time. Grades can be affected and detention can be assigned.

### **TEXTBOOKS**

Most classes require the use of a textbook. Textbooks have become very expensive which meant we must take special care of keeping them in good condition. Books that are turned in with excessive wear will require an assessment to the person who has been using the book. The assessment will be charged according to the damage done to the book beyond normal wear.

### **FIRE AND DISASTER DRILLS**

Drills are held so the children are aware of the procedures to follow. Pupils are to walk in silence during the entire drill from the time they leave their classroom until they return to their classroom.

## **FIRE EXITS**

Primary and Alternate Fire Exits and procedures are displayed in each room through the school building.

## **DISCIPLINE**

Discipline must be based on judgment if it is to be effective. The purpose of school discipline is not to have the offender pay his/her debt to society. Discipline should be designed to help the student. This does not mean that discipline need to soft. Discipline will be documented and copies will be sent to the student's parent(s), placed in his/her permanent file, and filed by the administration.

The students at White Lake are promised four things by their principal:

1. You will be treated with decency and respect.
2. You will be allowed to tell your side of the issue.
3. If you have been wronged, you will be defended.
4. If you have violated the rules, you will be disciplined.

## **WEAPONS POLICY**

All individuals who possess, handle, or transit any object or material that could inflict bodily harm or is considered a weapon by the appropriate administrator may be grounds for suspension and/or expulsion. In addition, a report of the incident will be made to the local law enforcement agency for proper disposition of the incident.

### **ACTS REQUIRING DISCIPLINE**

1. Vaping, smoking, and use or possession of drugs or alcohol on the school ground or during any school related activity at home or away.(Extreme)
2. Habitual unexcused absences.
3. Habitual class disruption.
4. Insubordination.
5. Vandalism and theft.(possible extreme)

**The first violation:** Students will be warned and a copy of the violations will be one file. Parents will be notified. ½ hour of detention will be assigned.

**The second violation:** Students will be counseled, a copy of the violations will be on file. Parents will be notified. One (1) hour of detention will be assigned.

**The third offense** will result in a one (1) day in-school suspension and parents/guardians will be notified.

**The fourth offense** will result in a three (3) day out-of-school suspension or expulsion from school will be given, a copy of the violation will be on file, and parents/guardians will be notified. When students are expelled from school, it will require a meeting with the Principal, student and parents/guardians prior to re-admitting the student to school.

We feel you, the parents, should know of this policy and ask for your support and cooperation in these matters.

The above procedures shall be considered minimal penalties and more severe penalties may be administered depending upon the degree of violation (Extreme violations).

## **STUDENT DUE PROCESS**

Section 24:07 ARSD Definition of terms. Terms used in this article, unless the context plainly requires otherwise, mean:

- (1) "Expulsion" - The act of the School Board to terminate a pupil's membership in school for a period of time not to extend beyond the end of the school year;
- (2) "Long term suspension" - The expulsion by the School Board of a pupil from a class or classes for more than five school days;
- (3) "Parent" - A parent, guardian, or person in charge of a pupil;
- (4) "Policy" - A rule, regulation, or standard enacted by a School District Board;
- (5) "Short-Term Suspension" - The exclusion of a pupil, by a Principal or the Superintendent, from a class or from school for not more than five (5) school days.

### **SHORT-TERM SUSPENSION PROCEDURE**

#### Section 24:07:02:01

If a short-term suspension from a class, classes, or school is anticipated because of a pupil's violation of a rule, regulation or policy, the Principal shall give oral or written notice to the pupil as soon as possible after discovery of the alleged violation, stating the basis for the suspension. The pupil shall be given the opportunity to answer the charges. When a pupil is suspended following the hearing, the parent shall be given oral notice, if possible, and sent a written notice; however, a pupil shall not be removed from the school premises before the end of the school day without contacting a parent.

### **LONG-TERM SUSPENSION PROCEDURE**

#### Section 24:07:03:01

Written report required. If a long-term suspension or expulsion is anticipated because of a pupil's violation of a rule, regulation, or policy, the Principal shall file a written report with the Superintendent by the end of the school day following the day of discovery of the alleged violation.

#### Section 24:07:03:02

Notice of Hearing. If the Superintendent deems that there are grounds for a long-term suspension from a class, classes, or for expulsion from school, the Superintendent may exclude the pupil from class or classes before the hearing by using the short-term suspension procedure in Section 24:07:02:01. The Superintendent shall give notice of the necessity for the hearing in writing to each School Board Member. A written notice shall be given to the pupil's parents. The parent's notice shall contain the following minimum information:

1. The rule, regulation, or policy allegedly violated;
2. The date, time, and place for the hearing;
3. A description of the hearing procedure;
4. The reason for the disciplinary proceedings;
5. A statement that the pupil's records are available at the school for examination by the pupil's parents, or their authorized representative; and
6. A statement that the pupil may present witness

#### Section 24:07:03:03

Right of waiver. The pupil, if of the age of majority or emancipated, or the pupil's parent, may waive the right to a hearing in writing to the Superintendent. If the hearing is not waived, the hearing shall be held on the date, time and place set in the notice unless a different date, time, and place are agreed to by the parties.

#### Section 24:07:03:04

Hearing procedure. The School Board shall constitute the hearing board and shall conduct the hearing in the following manner:

1. A School Board member or a School Board designee who is not an employee of the school district shall be appointed as presiding officer;
2. Each party may make an opening statement;
3. Each party may introduce evidence, present witnesses, and examine and cross-examine witnesses;
4. Each party may be represented by an attorney;
5. The administration shall present its case first;
6. The hearing shall be closed to the public and there shall be no verbatim record by mechanical or electronic means;
7. Witnesses may be present only when testifying. All witnesses shall take an oath or affirmation to be administered by the School Board President or Business Manager;
8. Each party may raise objections; however, objections shall be limited to relevancy and scope of the question;
9. All relevant evidence shall be admitted, however, unproductive or repetitious evidence may be limited by the presiding officer;
10. The presiding officer may ask questions of witnesses and may allow other School Board members to interrogate witnesses;
11. Each party may make a closing statement;
12. After the hearing, the School Board shall continue to meet in executive session for deliberation. No one other than the presiding officer of the hearing shall meet with the school Board during deliberation. The School Board may seek advice during deliberation from an attorney not present at the hearing. Consultation with any other person during deliberation shall occur only if a representative of the pupil is present;
13. The decision of the School Board shall be based solely on the evidence presented at the hearing and shall be formalized by a motion made in open meeting. The motion shall omit the name of the pupil and shall state the reason for the Board's action. The pupil and pupil's parents shall be notified in writing of the decision. The notice shall state the length of the suspension or expulsion.

#### Section 24:07:03:06

Right of Appeal. An adverse decision to the student by the School Board may be appealed to a court of law.

#### Section 24:07:03:07

Attendance Policies. No attendance policy may exclude a pupil from a class or from school for more than five days without providing due process procedures pursuant to this Chapter.

Section 24:07:03:08

Referral to placement committee of expelled or long-term suspended pupils. Whenever a pupil identified as in need of special assistance or prolonged assistance pursuant to SDCL 13-27-1 is expelled or subjected to a long-term suspension, a referral shall be made by the Superintendent to the district's placement committee. The placement committee shall determine whether the action, behavior, or activity which resulted in the long-term suspension or expulsion is the result of the pupil's handicapping condition. If the placement committee determines that the long-term suspension or expulsion of a pupil is based upon action, behavior, or activity by the pupil arising from the pupil's handicapping condition, the placement committee shall immediately prepare a revised individual education plan to provide educational services to the pupil. The pupil's long-term suspension or expulsion shall terminate upon implementation of the pupil's revised individual educational plan.

INTERNET SAFETY POLICY  
ADOPTED TO COMPLY WITH  
THE CHILDREN'S INTERNET PROTECTION ACT (CIPA)  
AND  
SOUTH DAKOTA CONSOLIDATED STATUTES SECTION 22-24-55

**I. Introduction:**

The Children's Internet Protection Act (CIPA) 47 U.S.C. &254 (h)(5), and South Dakota Consolidated Statutes Section 22-24-55 require public schools to implement certain measures and actions to ensure that students are restricted from accessing inappropriate materials online using school owned computers. This policy is adopted to implement these state and federal requirements.

**II. Internet Safety**

It is the policy of this organization to protect computer users from harassment and unwanted or unsolicited electronic communications. Any network users who receives threatening or unwelcome electronic communications or inadvertently visits or accesses an inappropriate site shall report such immediately to a teacher or administrator.

- A. The organization has implemented a technology protection measure that blocks access to inappropriate matter such as child pornography, obscene material and material that is harmful to minors.
- B. In order to protect their safety and security of its students, network users are prohibited from revealing personal information to other users when engaging in online activities including but not limited to chat rooms, e-mail, social networking web sites.
- C. All network users are prohibited from hacking and engaging in any unlawful online activity.
- D. All network users are prohibited from disclosing or disseminating personal information without proper authorization regarding minors.
- E. All network users are prohibited from accessing sites or online materials that are blocked by the technology protection measure.

**III. Implementation of Technology Protection Measure**

- A. All school owned computers (used on campus) must be equipped with a technology protection measure.
- B. Adult users may request the Technology Protection Measure to be temporarily disabled in order to conduct bona fide research or for another lawful purpose. The Technology Protection Measure must be re-activated as the adult finishes using the computer for the authorized bona fide research or other lawful purpose.

**IV. Acceptable Use Policy**

Each network user shall be required to sign an Acceptable Use Policy annually in the form prescribed by the Superintendent or his/her designee. The Acceptable Use Policy shall implement this Internet Safety Policy. Violation of this policy and/or the Acceptable Use Policy shall be subject appropriate discipline and sanctions.

## **V. Monitoring of Online Activities**

It shall be the responsibility of all personnel of this organization to monitor students' online activities and use of the network to ensure that their use is in compliance with CIPA and this Internet Safety Policy.

## **VI. Cyberbullying and Appropriate Online Education**

Students will be educated annually about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. The implementation of this provision is delegated to the Superintendent who shall report annually to the Board on the educational activities undertaken to comply with this subsection.

The curriculum shall consist of at a minimum:

Parent/Community meetings presented by Technology Coordinator  
Teacher Instruction

\*Students in grades 7-12 will sign a verification form indicating they have been educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms; and cyberbullying awareness and response.

\*Students in grades PreK-6 will not be required to sign off; but the presenter will list the names of those who complete the K-6 instruction.

## **VII. Definitions Used In This Policy:**

- A. *Minor*: The term "Minor" means any individual who has not attained the age of 17 years.
- B. *Obscene*: The term "obscene" is defined as material – (1) the dominant theme of which, taken as a whole, appeals to the prurient interest; (2) which is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and (3) lacks serious literary, artistic, political, or scientific value.
- C. *Child Pornography*: The term "child pornography" is a visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- D. *Harmful to minors*: The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that – (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; (ii) depicts, describes or represents, in a patently offensive way with respect to what is suitable

for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

- E. *Technology protection measure*: The term 'technology protection measure' means a specific technology that blocks or filters Internet access to the material that is obscene, contains child pornography and/or is harmful to minors.
- F. *Computer*: Any electronic device that has the ability to connect to the Internet including but not limited to desktop computers, laptop computers, tablet computers and electronic book readers.

**ADOPTION:**

The Board of Education advertised and held a public meeting to discuss CIPA and the White Lake School's Safety Policy on June 18<sup>th</sup>, 2012. *This Safety Policy was adopted by the Board of Education on July 9, 2012.*

**ACCEPTABLE NETWORK AND INTERNET USE POLICY**  
**White Lake School District 1-3**  
**June 7<sup>th</sup>, 2012**

I. Introduction

The Children's Internet Protection Act (CIPA), 47 U.S.C 254(h)(5) require public schools to implement certain measures and actions to ensure that students are restricted from accessing inappropriate materials online using school-owned computers. This District's Acceptable Network and Internet Use Policy (hereinafter "AUP") is intended to set forth the specific obligations and responsibilities of all users, including students and staff, who access the District's Network, and to ensure such use complies with the CIPA requirements.

"Network" is defined as any and all District owned computers, servers, hardware and software, the District's local area network, wireless access points, the Internet, Internet 2, the District Intranet, email, chat rooms, other forms of direct electronic communications or other communications equipment provided by the District regardless of the physical location of the user. This AUP applies even when District provided equipment (laptops, tablets, etc.) is used on or off premises of District property.

II. Acceptable Use

The Network may be used only as a tool to support and advance the functions of the District as well as its curriculum and educational programs. Access to the District's Network is a privilege and not a right. Users of the Network are responsible for their behavior and communications over the Network and access to Network services will be provided only to those staff and students who agree to act in a considerate and responsible manner and in accordance with the District's Internet Safety Policy and this AUP.

Students may use the Network only in support of educational activities consistent with the educational objectives of the District. Faculty and staff may use the Network primarily in support of education and research consistent with the educational objectives of the District. Faculty and staff may access the Network for limited personal use for not for any commercial or business use; however, such personal use may not violate an applicable rules and regulations or applicable administrative procedures or interfere with job performance. Use of the Network must be in compliance with applicable laws, including all copyright laws and all materials on the Network should be presumed to be copyrighted.

All members of the staff who wish to use the Network must sign this AUP whenever requested by the District to confirm that the staff person has read and understands the policy and agrees to abide by it. Each student must sign this AUP annually to confirm that the student has read and understands this policy and agrees to abide by it. Students who are under 18 must have their parents or guardians sign this AUP and submit it to the District.

III. Network Etiquette

Users are expected to abide by generally accepted rules of network etiquette (Netiquette). These include but are not limited to:

- A. Be polite. Do not send or encourage others to send messages that are abusive or otherwise fall in the definition of Prohibited Use in Section IV.
- B. Use appropriate language. Remember you are a representative of your school on a non-private network. You may be alone on a computer but what you write can be viewed around the world. Do not swear, use vulgarities or any other inappropriate language.
- C. All communications and information accessible via the network should be considered private property that you cannot appropriately use without attribution and consent.

IV. Prohibited Use

The District reserves the absolute right to define prohibited use of the Network, adopt rules and regulations applicable to Network use, determine whether an activity constitutes a prohibited use of the Network, and determine the consequence of such inappropriate use. Prohibited use includes but is not limited to the following:

- A. Violating any state or federal law or municipal ordinance, such as: Accessing or transmitting pornography of any kind, obscene depictions, harmful materials, materials that encourage others to violate the law, confidential information or copyrighted materials.
- B. Criminal activities that can be punished under law;
- C. Selling or purchasing illegal items or substances;
- D. The unauthorized collection of e-mail addresses ("harvesting") of e-mail addresses from the Global Address List and other District directories;
- E. Obtaining and/or using anonymous email sites; spamming; spreading viruses;
- F. Circumvention of the District's Technology Protection Measure/filter to access blocked sites;
- G. Disclosure of minors' personal information without proper authorization;

- H. Students' disclosure of personal information such as the student's name, address, phone number, password or social security number, to other users when engaging in online activities including but not limited to chat rooms, e-mail, social networking web sites.
- I. Causing harm to others or damage to their property, such as:
  - 1. Using profane, abusive, or impolite language; threatening, harassing, bullying, or making damaging or false statements about others or accessing, transmitting, or downloading offensive, harassing, or disparaging materials;
  - 2. Deleting, copying, modifying, or forging other users' names, e-mails, files, or data; disguising one's identity, impersonating other users, or sending anonymous email;
  - 3. Damaging computer equipment, files, data or the network in any way, including intentionally accessing, transmitting or downloading computer viruses or other harmful files or programs, or disrupting any computer system performance;
  - 4. Using any District computer to pursue 'hacking', internal or external to the District, or attempting to access information protected by privacy laws; or
  - 5. Accessing, transmitting, or downloading large files, including 'chain letters' or any type of 'pyramid schemes'.
- J. Engaging in uses that jeopardize access or lead to unauthorized access into others' accounts or other computer networks, such as:
  - 1. Using another's account password(s) or identifier(s);
  - 2. Interfering with other users' ability to access their account(s); or
  - 3. Disclosing your own or anyone's password to others or allowing them to use your or another's account(s).
- K. Using the network or Internet for Commercial purposes:
  - 1. Using the Internet for personal financial gain;
  - 2. Using the Internet for personal advertising, promotions, or financial gain; or
  - 3. Conducting for non-profit business activities and/or engaging in non-government relating fundraising or public relations activities such as solicitation for religious, lobbying for personal political purposes.

V. Off Premise Use of Network

Students under the age of 18 should only access District-assigned email accounts and/or other Network components including but not limited to school-assigned computers such as laptops, tablets or e-readers off of District premises if a parent or legal guardian supervises their usage at all times. The student's parent or guardian is responsible for monitoring the minor's off-premise use of the Network and ensuring such use complies with the AUP.

VI. Disclaimer

The District makes no guarantees about the quality of the services provided and is not responsible for any claims, losses, damages, costs, or other obligations arising from use of the Network or accounts. Any additional charges a user accrues due to the use of the District's network are to be borne by the user. The District also denies any responsibility for the accuracy or quality of the information obtained through user access. Any statement, accessible on the computer network or the Internet, is understood to be the author's individual point of view and not that of the district, its affiliates, or employees.

VII. Enforcement

Prohibited use of the Network may, for students, result in disciplinary action up to and including suspension or expulsion from school or, for employees, suspension or termination of employment. Where circumstances warrant, prohibited use of the Network may be referred to law enforcement authorities.

When a school administrator has a reasonable belief that a student has violated a school rule, policy or the law, and there are facts and inferences that would cause a reasonable person to suspect that a search of the student's personal technology device(s) will reveal evidence of a violation and said school rule, policy or the law, the administrator shall have the authority to search such device, provided that the scope of the search relates to the suspected violation giving rise to the reasonable suspicion.

I have read, understand, and agree to comply with the Acceptable Network and Internet Use Policy.

Date: \_\_\_\_\_

School: White Lake School District 1-3

Names of Students in Grades PreK-5 \_\_\_\_\_

Parent/Legal Guardian Name \_\_\_\_\_  
(for Faculty Name)

Parent/Legal Guardian Signature \_\_\_\_\_  
(Or Faculty Name)

## Internet Safety Policy (CIPA)

### Verification of Instruction Sign-Off (Grades PreK-5)

I, Sandy Nightingale, have educated the following students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

\_\_\_\_\_  
Signature of Computer Teacher

\_\_\_\_\_  
Date

Names of Students:

## Internet Safety Policy (CIPA)

### Verification of Instruction Sign-Off (Grades 6-12)

I, \_\_\_\_\_, have been educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

## ADMINISTERING MEDICINES TO STUDENTS

The White Lake School District strongly discourages the administering of prescription and non-prescription medication to students. The Board of Education recognizes that students may need to take medications at one time or another. We encourage parents to set up student medications during non-school hours. If it is impossible to avoid school hours, we encourage parent(s)/guardian(s) to close relatives to come to the school and administer the medication.

Students in Grades Pre-Kindergarten through Six will not be permitted to take medication while at school unless such medicine is given to them by school personnel acting under specific written request by the parent/guardian and under the written instructions of the student's physician.

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

The above policy covers all prescription and other drugs, including aspirin, Bufferin, and Tylenol.

Services such as medication dispensing will be provided at school when the principal has determined that it is a necessary and appropriate service for the district to provide such. The following rules apply:

1. Diagnosis and treatment of illness are not the responsibility of the district and shall not be practiced by school personnel.
2. School personnel shall not provide aspirin or any other medication to students.
3. "Over the counter" drugs shall not be supervised or kept in the school office unless directed by a physician.
4. Students requiring medications at school shall be identified by the parent/guardian to authorized school personnel.
  - A. A completed "Request and Authorization for Medication" form (706A) shall be submitted to the school official.
  - B. Medication shall be brought to the school by the parent/guardian in a bottle, labeled by the pharmacy, including the student's name, medication name, physician, and dosage of the drug to be taken.
  - C. The medication shall be supervised and recorded immediately on the "Log Of Medication Supervised" form (706B) after the supervision by school personnel is delegated by the Principal.
  - D. In specific situations, students in Grades Seven through 12 may be responsible for their own medication and self administration. Parents/guardians shall send only the medication needed for the day with the student.
5. The need for other physician prescribed services shall be reported to the Principal.
6. Recording forms for physician prescribed services shall be retained in the school office in a Health Services working file for a year and then destroyed.

Reviewed: 3/11/96

Adopted: 4/8/96

REQUEST AND AUTHORIZATION FOR MEDICATION

Student's Name \_\_\_\_\_ Birthdate: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Parent's Name: \_\_\_\_\_ School: \_\_\_\_\_

We encourage medication hours to be arranged outside of school hours, if possible!

- 1. Diagnosis: \_\_\_\_\_
- 2. Name of Medication: \_\_\_\_\_
- 3. Total daily dosage: \_\_\_\_\_
- 4. Amount of times to be administered at school: \_\_\_\_\_
- 5. Method of Administration: \_\_\_\_\_
- 6. Duration (week, month, etc.): \_\_\_\_\_
- 7. Precautions & Reaction to observe & report: \_\_\_\_\_

Physicians Signature (required for Option I below)	Telephone	Date
--	-----------	------

\*\*\*\*\*

Parent's Statement (Circle One Option)

Option I: I request and authorize personnel at the White Lake School District to supervise and/or administer the medication prescribed on this form to my child. I understand the medication must be provided in a bottle, identifying the name and telephone number of the pharmacy, the student's name, physician's name and dosage of the drug to be taken. I understand that the school district will not be held liable for any adverse affects of the medication.

Option II: I authorize my child to take his/her own medication while at school and relieve the School District and personnel of all responsibility. Physician's signature is not required.

Option III: EPL pens and inhalers only. I authorize my child to self-administer his/her prescription medication for asthma and/or anaphylaxis while at school and relieve the school district and personnel of all responsibility. Physician order and statement that student is capable of self-administration is required.

Parent/Guardian Signature	Date
---------------------------	------

\*\*\*\*\*

Date	Number Received by School	Verifying Signature	Verifying Signature
_____	_____	_____	_____
_____	_____	_____	_____

## SPECIAL DIET FORM

\* Keep a copy of the completed form for your records.

<b>Part A – Participant, Parent/Guardian, and School/Agency Contact Information – To be completed by a parent/guardian or school/agency contact person –</b>		
<b>1. School/Agency Name</b>	<b>2. Site Name (if applicable)</b>	<b>3. School/Agency Telephone</b>
<b>4. Name of Participant</b>		<b>5. Date of Birth</b>
<b>6. Name of Parent or Guardian</b>		<b>7. Parent/Guardian Telephone</b>
<b>Part B – Special Diet – To be completed by a medical authority as defined above.</b>		
<b>7. Check One:</b>		
<input type="checkbox"/> a. Participant has a <b>disability</b> .		
<input type="checkbox"/> b. Participant has a food allergy/intolerance or other medical condition that does not rise to the level of a disability.		
<b>8. Specify the disability, food allergy/intolerance, or medical condition requiring a special meal or accommodation (use extra pages if needed):</b>		
<b>9. If participant has a disability</b> (see definition on instructions page), <b>provide a brief description of participant's major life activity</b> (see list on instructions page) <b>affected by the disability</b> (e.g. allergy to peanuts affects ability to breathe):		
<input type="checkbox"/> Check if not applicable		
<b>10. Describe the TYPE OF SPECIAL DIET REQUIRED</b> (e.g. low sodium, gluten-free, diabetic, etc.) Use extra pages if needed:		
<input type="checkbox"/> Check if not applicable		
<b>11. Modified Texture:</b>	<b>12. Modified Thickness:</b>	
<input type="checkbox"/> Not Applicable <input type="checkbox"/> Chopped	<input type="checkbox"/> Not Applicable <input type="checkbox"/> Nectar	
<input type="checkbox"/> Ground <input type="checkbox"/> Pureed	<input type="checkbox"/> Honey <input type="checkbox"/> Spoon or Pudding Thick	
<b>13. Special Feeding Equipment</b> (large handled spoon, sippy cup, etc.):		
<input type="checkbox"/> Check if not applicable		

**14. Foods to be omitted and substituted: (List specific foods to be omitted and suggested substitutions. You may sign and attach a sheet with additional information as needed.)**

Check if not applicable

**A. Foods To Be Omitted**

**B. Suggested Substitutions**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IMPORTANT:** For a participant who does not have a recognized disability, the only fluid milk substitutions allowed by USDA are: (1) lactose-free fluid cow's milk or (2) a non-dairy beverage with a nutrition profile equivalent to cow's milk as specified in federal regulations. Currently the only beverages meeting these specifications are certain brands of soy milk.

<b>15. Signature of Preparer</b>	<b>16. Printed Name</b>	<b>17. Telephone Number</b>	<b>18. Date</b>
<b>19. Signature of Medical Authority</b>	<b>20. Printed Name</b>	<b>21. Title</b>	

**Part C – Parent/Guardian Permission – To be completed by a parent/guardian**

I give permission for school/agency personnel responsible for implementing my child's special diet to discuss my child's special dietary accommodations with any appropriate school/agency staff and to follow the special diet for my child's school/agency meals. I also give permission for my child's medical authority to further clarify the special diet on this form if requested to do so by school/agency personnel.

<b>22. Parent/Guardian Signature:</b>	<b>23. Date:</b>
---------------------------------------	------------------

**Part D – Request Substitution for Fluid Cow's Milk due to Lactose Intolerance, Allergy, Vegan Diet, Religious, Cultural, or Ethical Reasons – To be completed by parent/guardian.**

24. Instead of fluid cow's milk, please provide the individual named in Part A of this form with the following substitute (check ONE):

- Lactose-free cow's milk
- Non-dairy beverage with a nutrient profile equivalent to fluid cow's milk per federal regulations

<b>25. Parent/Guardian Signature:</b>	<b>26. Date:</b>
---------------------------------------	------------------

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all bases will apply to all programs and/or employment activities.) If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

As stated above, all protected bases do not apply to all programs, the *first six protected bases of race, color, national origin, age, disability and sex are the six protected bases for applicants and recipients of the Child Nutrition Programs.*

## WHITE LAKE SCHOOL DISTRICT DRUG POLICY

Student Standards of Conduct. The White Lake School District recognizes the responsibility for health, welfare, and safety of the students who attend the district schools. The school is concerned about the problems of alcohol, drugs, and tobacco use and abuse.

The White Lake School will not tolerate the unlawful manufacture, use, possession, sale, distribution, or being under the influence of alcohol, drugs, or controlled substances while the student is at any school facility, while on school transportation, or any school sponsored activity that the White Lake School is involved. Facilities include: School buildings, school grounds, school athletic fields, or any other site that is used for school sponsored activities. School transportation includes school cars, school buses, or other means of transportation to transport student for school sponsored activities. School sponsored activities are those activities that are under the sponsorship of the White Lake School.

Disciplinary Sanctions. The White Lake School has adopted a “no use” policy which notifies the parents and students that compliance with the standards of conduct are mandatory. Any student of the White Lake School who violates the standards of conduct will have disciplinary sanctions imposed upon them that are constant with federal, state, and local laws. These disciplinary sanctions may include expulsion or referral for prosecution. A disciplinary sanction may include the completion of any appropriate rehabilitation program. The school will do whatever is appropriate to help the student rehabilitate him/her self.

The school’s control of the disciplinary sanction imposed upon a violator may be overridden by local, state or federal authority if the violation includes breaking the law.

Disciplinary sanctions will be imposed on any student who violates the standards of conduct.

**WHITE LAKE SCHOOL DISTRICT**  
**410 East 4<sup>th</sup> Street      PO BOX 246**  
**WHITE LAKE SD 57383**  
**PHONE: 605-249-2251    FAX: 605-249-2725**

Policy On Children and Youth In Transition  
White Lake School District #1-3

Homelessness exists or has the potential to exist in our community. A combination of high housing costs and poverty causes many families to lose their housing. Many young people leave their homes due to abuse, neglect, and family conflict. Children and youth who have lost their housing live in a variety of places, including motels, shelters, shared residences, transitional housing programs, cars, campgrounds, and others. Their lack of permanent housing can lead to potentially serious physical, emotional and mental consequences. This school district will ensure that all children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our schools. This district will also follow the requirements of the McKinney-Vento Act.

It is the policy of our district to view children as individuals. Therefore, this policy will not refer to children as *homeless*; it will instead use the term *children and youth in transition*. Under federal law, children and youth in transition must have access to appropriate public education, including preschool, and be given a full opportunity to meet state and local academic achievement standards. They must be included in state and district-wide assessments and accountability systems. Our schools will ensure that children and youth in transition are free from discrimination, segregation, and harassment.

Information regarding this policy will be distributed to all students upon enrollment and once during the school year, provided to students who seek to withdraw from school, and posted in every school in the district, as well as other places where children, youth, and families in transition receive services, including family and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments, health departments, and other social service agencies.

Any complaints encountered by children and youth in transition or their parent, guardian, or caretaker should contact the local Homeless Liaison at the address listed above for assistance in the resolution of the problem

**WHITE LAKE SCHOOL DISTRICT**  
**410 East 4<sup>th</sup> Street PO BOX 246**  
**WHITE LAKE SD 57383**  
**PHONE: (605) 249-2251 FAX (605) 249-2725**

***COMPLAINT PROCESSING FORM***  
***Education of Homeless Children and Youth***

Date Call Received:	Time Call Received:
Name of Caller:	Phone Number where caller can be reached:
<b>Name of Student(s) Involved:</b>	
<b>Birthdate(s)</b>	<b>Grade Level(s):</b>
Where is the student currently living? (name of Shelter/relative/friend/other)?	What School is the student attending or trying to enroll in?  In what District is the school located?
What is the nature of the Complaint?	
Who has the complainant talked with to get the problem resolved?	
Name:	Position:
Name:	Position:
<b>Follow Up Information (to be completed by Homeless Coordinator)</b>	
Date and time of follow-up calls:	Action requested by complainant
Phone Contact with School Official Date:  Time:	Action agreed to be taken by the school:
Final Disposition Of Case:	

## **BULLYING POLICY**

Bullying is intentional harmful behavior initiated by one or more students and directed toward another student. Bullying exists when a student with more social and/or physical power deliberately dominates and harasses another who has less power. Bullying is unjustified and typically repeated.

Bullying differs from conflict. Two or more persons can have a disagreement or a conflict. Bullying involves a power imbalance element where a bully targets a person who has difficulty defending himself or herself.

### **FORMS:**

**Physical:** Physical bullying involves harmful actions against another person's body. Examples include: biting, kicking, pushing, pinching, hitting, tripping, pulling hair, any form of violence intimidation.

**Verbal:** Verbal bullying involves speaking to a person or about a person in an unkind or harmful way. Examples include: sarcasm, teasing, put-downs, name calling, phone calls, spreading rumors, or hurtful gossip.

**Emotional:** Emotional bullying involves behaviors that upset, exclude, or embarrass a person. Examples include: nasty notes, saying mean things using technology, intentional exclusion from games or activities, tormenting, threatening, humiliation or social embarrassment.

**Sexual:** Sexual bullying singles out a person because of gender and demonstrates unwarranted or unwelcome sexual behavior. Examples include: sexual comments, abusive comments, unwanted physical contact.

**Racial:** racial bullying involves rejection or isolation of a person because of ethnicity. Examples include: gestures, racial slurs or taunts, name calling, make fun of customs/skin color/accent/food choices.

Cyberbullying is a form of indirect or social bullying that uses technological communications to humiliate, harass, embarrass, tease, intimidate, threaten, or slander one or more students. Cyberbullying is the act of being cruel to others by sending or posting harmful material or compromising photographs online or through a cell phone.

Bullying will be monitored and/or handled by the White Lake School District staff, administration, and board of education on a case by case system. Bullying will not be tolerated and can lead to strict discipline including suspension. Families will be notified as timely as possible.

1<sup>st</sup> Reading: July 13, 2009  
Approved: August 10, 2009

In 2004 the U. S. Congress established a requirement for all schools with federally assisted lunch programs to establish a wellness policy that addresses nutrition and physical activity. The South Dakota Department of Education personnel established a set of guidelines that would meet all of the requirements of the federal mandate, and the State Board of Education adopted these guidelines. The White Lake Board of Education created a team of local educators and community members to develop a White Lake School District Wellness Policy utilizing the state guidelines as a pattern.

**WHITE LAKE SCHOOL DISTRICT #1-3  
WELLNESS POLICY  
(Adopted July 10, 2017)**

The White Lake School District is committed to the optimal development of every student. The District believes that for students to have the opportunity to achieve personal, academic, developmental and social successes, we need to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year. Good *nutrition* and adequate *physical activity* are essential components of positive student outcomes.

The White Lake School District will utilize a wellness committee to establish and promote positive nutrition and physical activity guidelines and opportunities.

**Wellness Committee**

The White Lake Wellness Committee will include the following representation: School Administrator, Physical Education Teacher, Food Service Director, Head Cook, School District Patron, and Student.

The Superintendent will coordinate meetings and facilitate development of and updates to the wellness policy, and ensure district’s compliance with the policy.

<b>Wellness Committee Members</b>			
<b>Name</b>	<b>Title/Relationship to the District</b>	<b>Email Address</b>	<b>Role on Committee</b>
Robert Schroeder	Superintendent	robert.schroeder@k12.sd.us	Facilitator
Rebecca Moore	Physical Education Teacher	rebecca.moore@k12.sd.us	Implementation / evaluation
Lori Peters	Food Service Director	lori.peters@k12.sd.us	Implementation / evaluation
Karla Steichen	Head Cook	karla.steichen@k12.sd.us	Implementation / evaluation
Kim Ehlers	Patron	Ehlerskim@gmail.com	Implementation / evaluation
Student Council President	Student		Implementation / evaluation

## **Wellness Policy Implementation, Monitoring, Accountability, and Community Engagement**

The White Lake School Wellness Policy will be made available on the school website: [www.whitelake.k12.sd.us](http://www.whitelake.k12.sd.us). The wellness committee will meet yearly to update, modify, and assess the effectiveness using the Healthy Schools Program online assessment tool located at <https://schools.healthiergeneration.org/dashboard/>.

### **Recordkeeping**

The District will retain records to document compliance with the requirements of the wellness policy in the Superintendent's office for the past 3 years. Documentation will include but will not be limited to:

- \* The written wellness policy
- \* Documentation of efforts to review and update the School Wellness Policy including date, time, and members in attendance at yearly meeting.
- \* Documentation that policy has been made available to public
- \* The most recent assessment of wellness policy
- \* Documentation that most recent assessment of policy is made available to public.

### **Annual Notification of Policy**

The District will inform families and the public each year of the basic information about the policy, including any updates to the policy and implementation status. This information will be available to our community via the District website and through a monthly newsletter mailing.

## **Nutrition**

### **School Meals**

The White Lake School District is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams of trans fat per serving (nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. Our school meal program aims to improve the diet and health of our children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

Our District participates in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Fresh Fruit and Vegetable Program (FFVP). Our District is committed to offering school meals through these programs that:

- \* Are accessible to all students;
- \* Are appealing and attractive to children;
- \* Are served in clean and pleasant settings;
- \* Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The District offers reimbursable school meals that meet USDA nutrition standards);
- \* Promote healthy food and beverage choices, such as one or more of the following:
  - Whole fruit options are displayed in attractive bowls or baskets
  - Sliced or cut fruit is available daily

- Daily fruit options are displayed in a location in the line of sight and reach of the students
- All available vegetable options have been given creative or descriptive names
- All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
- Student surveys and taste testing opportunities are used to inform menu development
- Student artwork is displayed in the service and/or drinking areas.
- Daily announcements are used to promote and market menu options.

### **Staff Qualifications and Professional Development**

All school nutrition program directors and staff will meet or exceed hiring and annual continuing education/training requirements. These school nutrition personnel will refer to the CANS website to search for training that meets their learning needs.

### **Water**

To promote hydration, free, safe, and unflavored drinking water will be available to all students throughout the school day.

### **Competitive Foods and Beverages**

Currently the White Lake School District does not provide food or beverage opportunities to students, outside of our school meal programs, during the school day.

### **Fundraising**

Fundraising during school hours will sell only non-food items or foods and beverages that meet or exceed the Smart Snacks nutrition standards. These fundraisers may include but are not limited to: cookie dough, candy, pizza and frozen food sales.

### **Concessions**

Concessions will be available during home game nights after school hours. Our concession stand will incorporate healthy food options into its offerings including fresh fruits and/or vegetables.

### **Nutrition Promotion**

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence based techniques and nutrition messages, and by creating food environments that encourages healthy nutrition choices and participation in school meal programs. Students and staff will receive consistent nutrition messages throughout hallways, classrooms, and cafeteria.

### **Nutrition Education**

The White Lake School District will teach, model, encourage, and support healthy eating by all students. Our school will provide nutrition education and engage in nutrition promotion that includes but is not limited to:

- \* Is designed to provide students with the knowledge and skills necessary to promote and protect their health;

- \* Is part of not only health education classes, but also integrated into other classroom instruction through various subjects;
- \* Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- \* Promotes physical activity/exercise;

### **Food and Beverage Marketing in Schools**

The White Lake School District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. It is the intent to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus during the school day in areas that are highly visible to students. All other advertising and marketing strategies will be minimized over time.

### **Physical Activity**

Children and adolescents should participate in at least 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive school physical activity program. White Lake School will provide various daily opportunities for its students to be physically active.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) **will not be withheld** as punishment for any reason. Alternative ways to discipline students will be utilized.

The white Lake School District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. Necessary inspections and repairs will be conducted.

### **Physical Education**

The White Lake School District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts. The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to all for equitable participation for all students and will adapt physical education classes and equipment as necessary.

Students in grades K-5 will each receive physical education for at least 60 minutes per week throughout the school year. All secondary students are required to take the equivalent of one academic semester of physical education and one academic semester of health education, and meeting the state PE/Health Education requirements. Curriculum will cover a broad range of topics including, but not limited to:

- \* The physical, psychological, or social benefits of physical activity;
- \* How physical activity can contribute to the academic learning process
- \* Phases of an exercise session including warm-up, workout, and cool-down

- \* Preventing injury during physical activity
- \* Monitoring progress toward reaching activity goals;
- \* How to influence, support, or advocate for others to engage in physical activity

### **Recess**

All elementary students will be engaged in at least 45 minutes of recess on all days during the school year.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever possible.

### **Other Activities that Promote Student Wellness**

The White Lake School District will integrate wellness activities across the entire school setting. The District/ along with community collaboration will help coordinate and integrate other initiatives related to physical activity, physical education, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same goals and objectives promoting student/adult well-being, optimal development and strong educational outcomes. Some of these activities include:

- \* Jump rope for Hearts
- \* White Lake Community Fitness Challenge
- \* Ikiarod
- \* White Lake Elementary Track and Field Day
- \* Open gym activities
- \* After School Program

**Parent Permission for Online Publication of a Student's Image and Work  
For the School Year of 2021-2022**

*Today's students are growing up in a digital environment. 21<sup>st</sup> century curriculum must be infused with skills necessary for living and working in an ever-changing society. We must utilize the ability to share with a global audience and use this opportunity to teach our students proper on-line communication.*

**Please check one of the following choices and sign below:**

\_\_\_\_\_ **I GIVE** the White Lake School permission to post my child(ren)'s picture, information concerning school activities, and projects/assignments onto the school website/Internet. I also give permission for my child to be televised on the Midstate Sports channel for various sport activities.

\_\_\_\_\_ **I DO NOT GIVE** the White Lake School permission to post my child(ren)'s picture, information concerning school activities, and projects/assignments onto the school website/Internet. I also DO NOT give permission for my child to be televised on the Midstate Sports channel for various sport activities.

**\*Examples: pictures of sporting events, Math and Reading Nights, classroom activities, band and chorus activities, oral interp, class officers, class pictures, student council representatives, homecoming activities, Academic Festival, or other competitions. This also includes assignments such as personal writings, voice narrations, videos, and other projects or assignments.**

Student Name \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

FILE: ACAA-R (1)

## ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFYING STUDENTS

The White Lake 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.

## SEXUAL HARASSMENT

### SECTION 1 – Policy Statement

White Lake School does not discriminate on the basis of sex in any education program that it operates, including admission and employment. White Lake School is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the White Lake School may be referred to the White Lake School's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. (34 CFR § 106(b)(1))

White Lake School is committed to an environment which is free from sexual harassment and conducive to all. Sexual harassment can inhibit a student's educational opportunities and an employee's work. Sexual harassment of White Lake School employees, White Lake School volunteers, parents, guests, students, visitors and vendors of the White Lake School shall also not be tolerated and is strictly prohibited.

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

Federal law (34 CFR § 106.30) defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following: (34 CFR § 106.30)

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

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. (34 CFR § 106.8(a))

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

The White Lake School's response shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with Title IX requirements before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. (34 CFR § 106.44(a))

## II. Designation of Title IX Coordinator

The Board has designated the following White Lake School employee to coordinate its efforts to comply with its responsibilities as set forth in 34 CFR Part 106, who shall be referred to as the “Title IX Coordinator.” (34 CFR § 106.8(a))

Name or Title: Kim Meier  
Work Address: 410 East 4<sup>th</sup> Street, PO Box 246, White Lake, SD 57383  
Email Address: kim.meier@k12.sd.us  
Telephone Number: 605-249-2251

White Lake School has adopted and published grievance procedures (ACAA-R(1), Sexual Harassment – Regulations) that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and this policy. White Lake School shall provide to persons entitled to a notification under Section I above notice of the White Lake School’s grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the White Lake School will respond. (34 CFR § 106.8(c))

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

- a. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the White Lake School’s Title IX Coordinator or any official of the White Lake School who has authority to institute corrective measures on behalf of the White Lake School, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability (when a person has a particular legal relationship to the person who acted negligently) or constructive notice (deeming notice of something to a person having been given, even though actual notice did not exist) is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the White Lake School.
- b. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c. “Dating violence” means violence committed by a person:
  1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. i. the length of the relationship.
    - ii. the type of relationship.
    - iii. the frequency of interaction between the persons involved in the relationship. (34 U.S.C. 12291(a)(10))
- d. “Decision-maker” means the school administrator who has primary responsibility and authority related to students, staff and attendance center where the alleged sexual harassment occurred, unless otherwise designated by the Board, and who has the authority to make a determination on the complaint as to responsibility of the respondent. (ASBSD sample definition)

- e. “Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. *(34 U.S.C. 12291(a)(8))*
- f. “Education program or activity” includes locations, events, or circumstances over which the White Lake School exercised substantial control over both the respondent and the context in which the sexual harassment occurs. *(34 CFR § 106.44(a))*
- g. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the White Lake School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the White Lake School. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the White Lake School.
- h. “Document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the White Lake School) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Should the Title IX Coordinator sign the formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and the Title IX Coordinator must comply with the Title IX requirements.
- i. “Notice” includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- j. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- k. “Sexual assault” means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. *(20 U.S.C. 1092(f)(6)(A)(v))*
- l. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 1. fear for his or her safety or the safety of others; or
  - 2. suffer substantial emotional distress. *(34 U.S.C. 12291(a)(30))*
- m. “Supportive measures” means nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the White Lake School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the White Lake School’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escorting the complainant while on White Lake School property or

while a White Lake School off-campus activity, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## **VI. White Lake School's Response to Sexual Harassment (34 CFR § 106.44)**

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

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

- B. Response to a formal complaint. In response to a formal complaint, the White Lake School shall follow the grievance process as set forth in ACAA-R(1), Sexual Harassment – Regulations.
- C. Time frames. The timeframes set forth in the regulations shall be considered as a maximum length of time within which the related step is to be completed, however, the time frames may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party's advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.
- D. Emergency removal. Nothing in Title IX regulations or this policy prohibits the White Lake School from removing a respondent from the White Lake School's education program or activity on an emergency basis, provided that the White Lake School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal, however, nothing in Title IX regulations or this policy may be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Additionally, nothing in the Title IX regulations or this policy prohibits the White Lake School from placing an employee respondent on administrative leave during the pendency of a grievance process, however, nothing in Title IX regulations or this policy may be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

## **VII. Informal Resolution (34 CFR § 106.45(b)(9))**

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

- B. White Lake School may not require the parties to participate in an informal resolution process under this policy and may not offer an informal resolution process unless a formal complaint is filed.
- C. At any time prior to reaching a determination regarding responsibility the White Lake School may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the White Lake School:
  - 1. provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  - 2. obtains the parties' voluntary, written consent to the informal resolution process; and
  - 3. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**VIII. White Lake School's Grievance Process for Formal Complaints of Sexual Harassment** (34 CFR § 106.45(b))

- A. For the purpose of addressing formal complaints of sexual harassment, the White Lake School's grievance procedure as set forth in ACAA-R(1), Sexual Harassment – Regulations, shall be followed. There must be compliance with the requirements of this section, and any provisions, rules, or practices other than those required by this section that the White Lake School adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties.
- B. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties who are known (34 CFR § 106.45(b)(2))
  - 1. Notice of the White Lake School's grievance process, including any informal resolution process.
  - 2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the White Lake School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- C. White Lake School shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. Remedies may be disciplinary in nature. Such remedies may

include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the White Lake School's education program or activity. (34 CFR § 106.45(b)(1)(i))

- D. White Lake School shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. (34 CFR § 106.44(a))
- E. Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, the White Lake School:
1. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination, and the parties shall not have either burden; (34 CFR § 106.45(b)(5)(i))
  2. cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the White Lake School obtains that party's voluntary, written consent to do so for a grievance process under this section. If a party is not an "eligible student," (i.e., student who has reached 18 years of age), the White Lake School must obtain the voluntary, written consent of a "parent," (i.e., natural parent, guardian, or an individual acting as a parent in the absence of a parent or a guardian; (34 CFR § 106.45(b)(5)(i))
  3. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; (34 CFR § 106.45(b)(5)(ii))
  4. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; provided, however, nothing in this provision prohibits the White Lake School from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. (34 CFR § 106.45(b)(5)(iii))
  5. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the White Lake School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. (34 CFR § 106.45(b)(5)(iv))
- F. There shall be an objective evaluation of all relevant evidence, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. (34 CFR § 106.45(b)(1)(ii))
- G. No individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by the White Lake School to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. (34 CFR § 106.45(b)(1)(iii))
- H. The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the White Lake School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution

processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. (34 CFR § 106.45(b)(1)(iii))

1. The decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
  2. The investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
  3. No materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, may rely on sex stereotypes, and training materials must promote impartial investigations and adjudications of formal complaints of sexual harassment.
- I. Until a determination regarding responsibility is made at the conclusion of the grievance process, the respondent is presumed to not be responsible for the alleged conduct. (34 CFR § 106.45(b)(1)(iv); 34 CFR § 106.45(b)(2)(i)(B))
- J. White Lake School's grievance procedure as set forth in ACAA-R(1), Sexual Harassment – Regulations, shall:
1. include a reasonably prompt time frames for filing and resolving appeals and informal resolution processes if White Lake School offers informal resolution processes; (34 CFR § 106.45(b)(1)(vi))
  2. include a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities; (34 CFR § 106.45(b)(1)(v))
  3. include the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the White Lake School may implement following any determination of responsibility; (34 CFR § 106.45(b)(1)(vi))
  4. state that for all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. (34 CFR § 106.45(b)(1)(vii))
  5. include the procedures and permissible bases for the complainant and respondent to appeal; (34 CFR § 106.45(b)(1)(viii))
  6. describe the range of supportive measures available to complainants and respondents; (34 CFR § 1045(b)(1)(ix)) and
  7. not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. (34 CFR § 106.45(b)(1)(x))
- K. If, in the course of an investigation, the White Lake School decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision B in this section, the White Lake School shall provide notice of the additional allegations to the parties whose identities are known. (34 CFR § 106.45(b)(2)(ii))
- L. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. (34 CFR § 106.45(b)(5)(v))

- M. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. *(34 CFR § 106.45(b)(5)(vi))*
- N. Prior to completion of the investigative report, the White Lake School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. *(34 CFR § 106.45(b)(5)(vi))*
- O. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. *(34 CFR § 106.45(b)(5)(vii))*
- P. No adversarial hearing shall be held unless the determination of the Superintendent is appealed to the Board, or unless the Superintendent recommends the long term suspension or expulsion of a student, or the suspension without pay or termination of employment of an employee. *(34 CFR § 106.45(b)(6)(ii))*
- Q. The Director may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the White Lake School be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board as set forth in ACAA-R(1), Sexual Harassment – Regulations. *(34 CFR § 106.45(b)(8)(ii))*

## **IX. Appeal**

- A. Both parties have the right to appeal to the Board the Superintendent's determination regarding responsibility, and also from a dismissal of a formal complaint or any allegations therein, on the following bases:
  - 1. Procedural irregularity that affected the outcome of the matter; *(34 CFR § 106.45(b)(8)(i)(A))*
  - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; *(34 CFR § 106.45(b)(8)(i)(B))* and
  - 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. *(34 CFR § 106.45(b)(8)(i)(C))*
- B. As to all appeals, the Title IX Coordinator shall: *(34 CFR § 106.45(b)(8)(iii))*
  - 1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
  - 2. ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
  - 3. ensure that the decision-maker(s) for the appeal complies with the standard of evidence as required in this policy;

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

## **X. Consolidation of Formal Complaints**

White Lake School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable. (34 CFR § 106.45(b)(4))

## **XI. Dismissal of a Formal Complaint.**

- A. White Lake School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the White Lake School’s education program or activity, or did not occur against a person in the United States, then the White Lake School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment, however the dismissal does not preclude action under another provision of the White Lake School’s code of conduct. (34 CFR § 106.45(b)(3)(i))
- B. White Lake School may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: (34 CFR § 106.45(b)(3)(ii))
  - a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. the respondent is no longer enrolled in or employed by the White Lake School; or specific circumstances prevent the White Lake School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
  - c. Upon a dismissal required or permitted pursuant to Section A. or B. above, the White Lake School shall promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. (34 CFR § 106.45(b)(3)(iii))

## **XII. Recordkeeping (34 CFR § 106.45(b)(10))**

- A. White Lake School shall maintain for a period of seven years records of:
  1. each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient’s education program or activity;
  2. any appeal and the result therefrom;
  3. any informal resolution and the result therefrom; and
  4. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.
- B. For each response required under XII.A., the White Lake School shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient’s education program or activity. If the complainant is not provided with supportive measures, the White Lake School

shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

**XIII. Retaliation Prohibited** (34 CFR § 106.71)

- A. Neither the White Lake School or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this policy, constitutes retaliation.
- C. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination pursuant to the White Lake School's Nondiscrimination Policy.
- D. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.
- E. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited by this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

**XIV. Confidentiality**

- A. White Lake School shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of Title IX (34 CFR part 106), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. (34 CFR § 106.71(a))
- B. White Lake School shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the White Lake School to provide the supportive measures. (34 CFR § 106.30(a))

<b>State</b>	<b>Description</b>
*Moran v. Rapid City Area School Dist.	<u>Employee hearing due process</u>
<b>Federal</b>	<b>Description</b>
CFR Title 34 Part 106	<u>Nondiscrimination on the basis of sex</u>
Title IX of the Education Amendments of 1972	<u>Title IX of the Education Amendments of 1972</u>
USC Title 20 §1092(f)(6)(A)(v)	<u>Definition of sexual assault</u>
USC Title 20 §1681-1688	<u>Nondiscrimination on the Basis of Sex in Educational Programs and Activities</u>
USC Title 34 §12291(a)(10)	<u>Definition of dating violence</u>
USC Title 34 §12291(a)(30)	<u>Definition of stalking</u>

Written: 12/4/2016  
 Adopted: 8/3/2017  
 Reviewed:  
 Revised:

## SECTION 1 - Policy Statement

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

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

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

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

*Complaints based on nondiscrimination in federal programs, complaint against school employees, and complaints related to bullying are addressed through other school White Lake School policies and not through the policy prohibiting sexual harassment and this regulation.*

## SECTION 2 - Definitions

- A. Sexual Harassment. Federal law (34 CFR § 106.30) defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:
1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexually oriented words and actions which tend to annoy, alarm or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose regardless of the intent of the person accused of the sexually harassing conduct, constitutes sexual harassment. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other laws, regulations and policies also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

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

- Unwelcome sexual flirtations, advances or propositions;
- Verbal comments, jokes, or abuse of a sexual nature;
- Graphic verbal comments about an individual's body;
- Sexually degrading words used to describe an individual;
- Displaying pornographic material;
- Physical contact or language of a sexually suggestive nature.

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

### **SECTION 3 - Sexual Harassment Reporting Procedure**

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

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

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

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

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

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

## **SECTION 4 - Retaliation Prohibited**

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

## **SECTION 5 - Procedure for Addressing Sexual Harassment Complaints**

### **A. General Provisions.**

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

B. Confidentiality

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

C. Informal Resolution:

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

D. Formal Complaint:

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

the respondent. Remedies may be disciplinary in nature. Such remedies may include the same individualized services identified as supportive measures. Remedies must be designed to restore or preserve equal access to the White Lake School's education program or activity.

3. White Lake School shall follow the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

E. Investigation of a Formal Complaint

1. White Lake School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the White Lake School's education program or activity, or did not occur against a person in the United States, then the White Lake School must dismiss the formal complaint with regard to that does not preclude action under another provision of the White Lake School's code of conduct.
2. Unless the nature of the complaint and investigation dictate otherwise, the Investigation should be completed within sixty (60) calendar days of receipt of the complaint.
3. When investigating a formal complaint and throughout the grievance process, White Lake School:
  - a. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility;
  - b. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  - c. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, provided, however, nothing in this provision prohibits the White Lake School from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy;
  - d. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the White Lake School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. If, in the course of an investigation, White Lake School decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision D.1., White Lake School shall provide notice of the additional allegations to the parties whose identities are known.

5. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. All parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
7. Prior to completion of the investigative report, White Lake School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. White Lake School shall make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
8. The investigator shall create an investigative report that fairly summarizes relevant evidence and, at least ten (10) calendar days prior to a determination by a decision-maker regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

F. Determination

1. The decision-maker shall not be the same person as the Title IX Coordinator or investigator(s).
2. After the Investigator has sent the investigative report to the parties, and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All parties shall have ten (10) calendar days from the date the investigatory report was sent to the parties to submit written, relevant questions to the decision-maker, who shall forward the questions to the other party following the ten (10) period, unless all parties submitted questions prior to the end of the ten (10) day period and in such case the decision-maker shall forward the questions upon receipt of questions by all parties. All parties shall have (5) calendar days to submit to the decision-maker and the other parties any written responses to the questions.
3. The decision-maker shall have fourteen (14) calendar days, after the expiration of time frame set forth in E.8. above, to issue a written determination as to the complaint.
4. The decision-maker shall not conduct an adversarial hearing unless the Board conducts a hearing following an appeal of the Superintendent's decision to the Board, or following the Superintendent's recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled or recommend to the Board that an employee determined to having sexually harassed another person be suspended without pay or the

person's employment with the White Lake School be terminated.

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

- recipient's education program or activity will be provided by the White Lake School to the complainant; and
- f. the White Lake School's procedures and permissible bases for the complainant and respondent to appeal.

10. White Lake School shall provide the written determination to the parties simultaneously.

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

#### G. Appeal

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

receipt of the decision-maker's written decision, or ten (10) days of the deadline for the decision-maker's written decision, whichever comes first. The appealing party must attach the decision-maker's written determination.

- b. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the decision-maker's decision, or the Superintendent may refer the matter back to the decision-maker for further investigation and supplemental decision which decision may restate, modify or reverse the decision-maker's initial decision. A supplemental decision by the decision-maker after a referral back to the decision-maker may be appealed to the Superintendent.
4. Appeal to the School Board. If a party is not satisfied with the Superintendent's decision, or if the Superintendent does not without good cause render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the School Board by filing with the Business Manager using Form ACAA-E(3), Sexual Harassment – Complaint Appeal to the School Board, within ten (10) calendar days of receipt of the Superintendent's written decision, or ten (10) days of the deadline for the Superintendent's written decision, whichever comes first. The appeal shall be in writing and the appealing party must attach to the appeal the decision-maker's written decision, the appeal to the Superintendent, and the Superintendent's written decision or notice of the Superintendent's failure to render a written decision.

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

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the sexual harassment policy;
2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the Board:
  - A. The Board shall appoint a board member or a person who is not an employee of the White Lake School as the hearing officer;
  - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
  - C. The Complainant, person alleged to have violated the sexual harassment policy, and Superintendent each have the right to be represented at the hearing;
  - D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
  - E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
  - F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;

- G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;
- H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;
- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the decision-maker and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
- N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting sexual harassment, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a third

person from being on school property or at school activities for such time as may be determined by the Board.

- O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal pursuant to law.

## **SECTION 6 - Miscellaneous**

- A. Consolidation of formal complaints. White Lake School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.
- B. Dismissal of Complaint:
  1. White Lake School may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
    - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
    - b. the respondent is no longer enrolled in or employed by the White Lake School; or specific circumstances prevent the White Lake School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
  2. Upon a dismissal required or permitted pursuant to B.1. above, the White Lake School shall promptly send written
  3. notice of the dismissal and reason(s) therefore simultaneously to the parties.
  4. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
  5. Both parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Board Adopted 7/19/2021

**SEXUAL HARASSMENT  
COMPLAINT REPORT FORM**

Date Form Completed:

---

Form Completed by:

---

Person Reporting the Sexual Harassment:

---

---

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

---

---

---

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

---

---

---

---

---

---

---

(use additional sheets if necessary).

---

Date

---

School Employee Completing the Sexual Harassment Report

---

Date

---

Person Reporting the Sexual Harassment

Adopted: 8/3/2017

Reviewed:

Revised:





## **NONDISCRIMINATION IN FEDERAL PROGRAMS**

White Lake School will not violate any of the provisions of applicable federal programs, statutes or regulations, including but not limited to Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), NCLB and McKinney-Vento Act (homeless children). White Lake School will not discriminate in any of its policies and programs on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

The White Lake School will provide the following:

1. an adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and alleged perpetrator to present witnesses and provide evidence;
2. evaluation of all relevant information and documentation relating to a complaint of discrimination;
3. specific, reasonably prompt time frames at each stage of the grievance process;
4. written notice to all parties within a specified timeframe of the outcome or disposition of the grievance at each stage of the process;
5. an opportunity to appeal the findings or remedy, or both;
6. an assurance that the White Lake School will take steps to prevent recurrence of any discrimination and correct discriminatory effects on others; and
7. language in the policies and grievance procedures indicating that any attempts to informally or voluntarily resolve the complaint or grievance should not delay the commencement of the school's investigation.

In compliance with applicable federal laws and regulations, the Board has appointed the Superintendent/designee to coordinate program compliance with federal programs. The Superintendent can be reached at:

WHITE LAKE SCHOOL 410 East 4<sup>th</sup> Street  
PO Box 246  
White Lake, SD 57383  
Phone #: 605-249-2251

A complaint may also be filed with the United States Office for Civil Rights, U.S. Department of Education at: 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106: Telephone: (816) 268-0550; Facsimile: (816)268-0599; Telecommunication Device for the Deaf: (877) 521.2172; E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

### **COMPLAINT PROCEDURE**

The White Lake School has adopted a specific procedure to ensure that parental/student/public complaints related to the provisions of applicable federal programs, statutes or regulations, including claims of retaliation are addressed. The Cooperative will not discriminate, in any of its policies and programs, on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

The purpose of this complaint procedure is to outline a procedure for addressing parental/student/public complaints about federal program compliance and/or discrimination. *Complaints against school employees and complaints related to sexual harassment are addressed through other cooperative policies and not through this policy.*

For the purposes of this policy, a "complaint" is a perceived or alleged violation of federal programs, statutes or regulations (e.g., Title IX, ESEA/Title I, Rehabilitation Act Section 504, Title II (Americans with Disabilities Act), NCLB, McKinney-Vento Act (homeless children), etc.) and/or discrimination in a policy and/or program on the basis of age, race, color, creed, national origin, ancestry, religion, sex or disability.

To protect the confidentiality of all concerned, it is imperative that any school employee in receipt of a complaint treat the complaint as confidential and that the complaint not be reproduced in any form, nor disclosed or discussed with any person other than those identified as proper recipients of the complaint (i.e., Superintendent, supervisor, or board).

When a federal program compliance complaint or discrimination/harassment complaint based on race, color, national origin, age or sex (excluding sexual harassment complaints) is brought directly to an individual board member or the entire Board, the board member or entire Board may listen to the person's complaint but shall take no action unless there has been compliance with this Policy. The person bringing the complaint will be directed to the procedure as set forth below. The following procedure is designed to ensure the proper balance in protecting the rights of the person(s) bringing the complaint and the rights of the employee against whom the complaint is made. It is only when the person having the complaint and the employee involved cannot resolve the problem, and the complaint cannot be resolved at the administrative level, will the Board and board members become involved.

Should it be determined that discrimination or harassment occurred based on race, color, national origin, age or sex, the White Lake School will take steps to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on others, if appropriate.

### **STEP 1: Initial Complaint**

- A.** The person having the complaint related to federal program compliance or discrimination/harassment complaint based on race, color, national origin, age or sex (excluding sexual harassment complaints), the person must initiate the complaint procedure in one of the following ways:
- meet and discuss the concern with the Employee involved; OR
  - meet and discuss the concern with the Employee's Supervisor/Director.
1. If the Complainant met with the Employee and the complaint was not resolved, the Complainant must meet and discuss the complaint with the Supervisor/Director within ten (10) calendar days of the meeting with the Employee. The Supervisor/Director shall complete a Complaint Form, Exhibit AC-E (1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its content.
  2. If the Complainant initiates the complaint by meeting with the Supervisor/Director, the Supervisor/Director shall complete a Complaint Form, Exhibit AC-E (1). The Complainant shall sign and date the Complaint Form verifying the accuracy of its contents.
- B.** Upon the Complaint Form being signed and dated by the Complainant, the complaint shall be given to the Compliance Officer (Supervisor/Director). The Supervisor/Director shall also give a copy of the complaint to the Employee and schedule an informal meeting with only the Complainant, Employee and Supervisor/Director present. At the meeting, the Supervisor/Director shall attempt to facilitate discussion between the Complainant and Employee by seeking clarification of the issue(s) and seeking a resolution to the complaint. However, attempts to informally or voluntarily resolve the complaint should not delay the commencement of the school's investigation. Should a resolution be obtained, the resolution shall be noted on the Complaint Form. Should a resolution not be obtained, the Complainant and/or the Employee may request a decision by the Supervisor/Director on the merits of the complaint by making the request on the Complaint Form.
- C.** If the Supervisor/Director is asked to make a decision on the merits of the complaint, the Supervisor/Director has the authority to investigate the complaint beyond the information received from the Complainant and Employee during the meeting with the Complainant, Employee and Director. During the Supervisor/Director's investigation the complainant and alleged perpetrator shall both have the opportunity, at separate times, to present witnesses and provide evidence to the Supervisor/Director. The Supervisor/Director shall evaluate all relevant information and documentation related to the complaint of discrimination or harassment and shall render a decision in writing within fourteen (14) calendar days of the request for a decision on the merits of the complaint. The time frame for rendering a decision by the Supervisor/Director may be extended by the Supervisor/Director for good cause and upon written notification to the Complainant and Employee. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant and the Employee shall receive written notification of the Supervisor/Director's determination/resolution.
- D.** The Supervisor/Director's decision may be appealed by the Complainant or Employee to the Board within (10) ten calendar days of receipt of the Supervisor/Director's written decision pursuant to Step 2. If the Supervisor/Director

does not render a written decision within the required time frame (14 days unless extended) the Complainant or Employee may appeal to the Board pursuant to Step 2.

*Should the complaint be against a Director, the Board shall address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the Board pursuant to Step 3.*

*Should the complaint be against the Director the Complaint Form, Exhibit AC-E (1), shall be given to the Business Manager. The Business Manager shall give the Complaint Form to the Board President or Chairperson. At the Board meeting, the Board will designate a person who is not an Employee of the School to address the complaint through the procedure set forth in Step 1. An appeal by the Complainant pursuant to Step 1D may be filed with the Board pursuant to Step 2.*

## **STEP 2: Complainant's Appeal to the Board**

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

- A. An appeal to the Board shall be in writing using Exhibit AC-E (3). The Complainant must attach the complaint, the Supervisor's written decision if a decision was rendered, the appeal to the Director, the response to the appeal if any, and the Director's decision if one was rendered.
- B. The appeal must be filed with the President/Chairperson of the Board or Business Manager within ten (10) calendar days of Complainant's receipt of the Director's written decision, or within ten (10) days of the deadline for the Director's written decision, whichever comes first.
- C. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the Employee involved.
- D. Upon receipt of an appeal to the Board, the Board shall schedule a date, time and location for the appeal hearing.
- E. The following procedure shall be applicable at the appeal hearing before the Board:
  1. The Board shall appoint a board member or a person who is not an employee of the cooperative as the Hearing Officer.
  2. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session.
  3. The Complainant, Employee and Director each have the right to be represented at the hearing.
  4. The Board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the Hearing Officer until the appeal process has been completed.
  5. The issue on appeal is whether the Director's decision should be upheld, reversed or modified by the Board; in the absence of a decision by the Director, the Board will make a decision on the merits of the complaint.
  6. All parties shall be given the opportunity to make an opening statement, with the Complainant being given the first opportunity, followed by the Employee and then the Director.
  7. The Complainant shall present his or her case first, and the Employee shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The Hearing Officer and board members may ask questions of any witness.
  8. After the Complainant and the Employee have presented their respective cases, the Director shall then present the basis of his/her decision which led to the appeal, if a decision was rendered. The Complainant and Employee shall have the opportunity to ask the Director questions. The Hearing Officer and board members may also ask questions of the Director.

9. 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 Board President/ Chairperson, Hearing Officer or other person authorized by law to take oaths and affirmations.
10. The Hearing Officer shall admit all relevant evidence. The Hearing Officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979) (“This [school board hearing related to teacher contract nonrenewal] does not mandate nor necessitate the use of strict evidentiary rules.”).
11. Both parties shall be given the opportunity to make a closing statement, with the Complainant having the first opportunity, followed by the Employee, and then the Director. The Complainant shall be given the opportunity for a brief rebuttal.
12. 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. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of the Complainant, Employee and Director are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
13. 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 the Complainant, Employee and Director. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.
14. The decision of the Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will reconvene in open session. The Board may uphold, reverse, or modify the Director’s decision, or render a decision on the merits of the complaint in the absence of a Director’s decision. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion, shall be in writing and approved by the Board. The Complainant, Employee, Supervisor, and Director will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
15. If the Complainant is dissatisfied with the Board’s decision, the Complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

**State Reference**

SD Constitution Article 6  
 SDCL 13-37  
 SDCL 20-12  
 SDCL 20-13

**Description**

Bill of Rights  
 Special assistance and related services  
 Municipal and county protection of human rights  
 Human rights

**Federal Reference**

Public Law 94-142  
 Title VI, Civil rights Act of 1964  
  
 Title VII, Civil Rights Act of 1964  
 USC Title 20 Chapter 38 §§1681-1688  
 USC Title 29 Chapter 14  
 USC Title 29 Chapter 16 §701  
 USC Title 42 Chapter 76 §6101-6103

**Description**

Education for All Handicapped Children Act of 1975  
 Nondiscrimination in Federally Assisted Programs  
 Prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin  
 Discrimination Based on Sex or Blindness  
 Age Discrimination in Employment  
 Vocational Rehabilitation  
 Age discrimination in Federally Assisted Programs

Adopted 7/19/21

**NONDISCRIMINATION IN FEDERAL PROGRAMS  
COMPLAINT REPORT FORM**

Date Form

Completed: \_\_\_\_\_

Form Completed by:

\_\_\_\_\_

Person Filing the Complaint (Complainant):

\_\_\_\_\_

\_\_\_\_\_

Address/Phone # of Complainant:

\_\_\_\_\_

\_\_\_\_\_

Employee Involved:

\_\_\_\_\_

Nature of Complaint: The person making the complaint shall with specificity identify the basis of the complaint (i.e., what, when, where, witnesses, and any other pertinent information).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (use

additional sheets if necessary).

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

Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a meeting was not held, explain why not:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Resolution requested/sought by complainant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Official Completing the Report Form

Step 1 mutually agreeable resolution was reached:

Yes \_\_\_\_\_ No \_\_\_\_\_

If resolution, manner in which the complaint was resolved:

\_\_\_\_\_  
\_\_\_\_\_.

Complainant (initial/date) \_\_\_\_\_ Employee (initial/date) \_\_\_\_\_

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

Yes \_\_\_\_ No \_\_\_\_ Complainant (initial \_\_\_\_\_) Date \_\_\_\_\_

Yes \_\_\_\_ No \_\_\_\_ Employee (initial \_\_\_\_\_) Date \_\_\_\_\_



