

# **SECTION A**

## **FOUNDATIONS AND BASIC COMMITMENTS**

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## **SCHOOL DISTRICT LEGAL STATUS**

In South Dakota, the legislature is charged by the constitution "to establish and maintain a general and uniform system of public schools" which is open to all children and free from sectarian control.

The State Board of Education is responsible for the adoption of all policies for the Department of Education, and for the adoption and implementation of regulations for supervising the elementary and secondary schools.

School districts exist for the purpose of operating a school or schools to provide the people of each local community adequate opportunity to avail themselves of a free public elementary and secondary education program.

This school district shall constitute a school corporation under the name of "Todd County School District No. 66-1 of Todd County, South Dakota."

LEGAL REFS:       United States Constitution, Tenth Amendment  
                      Constitution of the State of South Dakota, Art. VIII, sec. 1;  
                      Art. XXII; Art. XXVI, sec. 18  
  
                      SDCL 3-6-2; 13-5-1; 13-5-2; 13-5-14 to 73-5-29, 13-6-1 et seq.

CROSS REF:       BB, School Board Legal Status

ADOPTED:   April 18, 1983  
REVISED:   October 25, 1993  
REVIEWED:   August 24, 2015  
REVISED:   July 24, 2017  
REVIEWED:   September 15, 2022

<b>Todd County School District Policy: ABA</b>
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## **COMMUNITY INVOLVEMENT IN DECISION MAKING**

These policies and procedures will be reviewed annually, and revisions will be made within 90 days of the determination that requirements are not being adequately met. [34 CFR 222.94(c)2-3]

*All changes become effective* upon board approval.

Tribes' preferred method(s) of communication: USPS, district website, the Dream Catcher Publication

Policy 1: The LEA will disseminate relevant applications, evaluations, program plans, and information related to the LEA's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations. [34 CFR 222.94(b)(1)]

Procedure 1: The school district will disseminate the following documents to the parents of Indian children and the tribe at least one week (7 days) in advance of any meeting to discuss these documents. The documents will be disseminated using the tribes' preferred method of communication. The documents to be disseminated include:

- Current year Impact Aid application
- Assessment/Evaluation of Equal Participation
- Indian Policies Procedures (IPPs)
- Any Plans for District education programs
- Written responses to feedback from the consultation process

Policy 2: The LEA will provide an opportunity for the tribe and parents of Indian children to provide their views on the LEA's educational program and activities, including recommendations on the needs of their children and how the LEA may help those children realize the benefits of the LEA's education programs and activities. [34 CFR 222.94(b)(2)]

As a part of this requirement, the LEA will-

(i) Notify tribes and the parents of Indian children of the opportunity to submit comments and recommendations, considering the tribes' preference for method of communication, and

(ii) Modify the method of and time for soliciting Indian views, if necessary, to ensure the maximum participation of tribes and parents of Indian children.

Procedure 2:

2.1 The School District will hold two board meetings- one in December and one in May to allow the parents of Indian children and the tribe(s) to provide input on the educational program and activities. The School District will give parents of Indian children, tribes, and the public notice of any meeting at the beginning of the school year via USPS, district website and the Dream Catcher publication.

2.2 If the consultation participation by parents of Indian children and tribes is low, the School District will re-evaluate its consultation process. Specifically, the School District will take the following measures to improve or enhance participation:

- Consult with parents of Indian children and tribes
- Change communication method; and/or
- Change time of meeting

Policy 3: The LEA will, at least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the LEA's education program and activities. [34 CFR 222.94(b)(3)]

As part of this requirement, the LEA will:

(i) Share relevant information related to Indian children's participation in the LEA's education program and activities with tribes and parents of Indian children; and

(ii) Allow tribes and parents of Indian children the opportunity and time to review and comment on whether Indian children participate on an equal basis with non-Indian children.

Procedure 3:

3.1 The School District shall annually calculate from its records the ratio of Indian children compared to non-Indian children participating in all academic and co-curricular programs.

3.2 The School District will hold two board meetings- one in December and one in May to allow the parents of Indian children and the tribe(s) to provide input on the educational program and activities. The School District will give parents of Indian children, tribes, and the public notice of any meeting at the beginning of the school year via USPS, district website and the Dream Catcher publication.

3.3 If it is determined that there are gaps in Indian participation in the educational program or activities, the School Board in consultation with the tribes and the parents of Indian children, will modify its education program in such a way as to improve Indian participation.

Policy 4: The LEA will modify the IPPs if necessary, based upon the results of any assessment or input described in paragraph (b) of this section (*this document*).  
[34CFR222.94(b)(4)]

Procedure 4:

4.1 The School Board will schedule two school board meetings in December and May to consult with the tribe and parents of Indian children on the content of the IPPs, equal participation, and educational program and activities. Parents of Indian children and tribes will be notified via USPS, district website and the Dream Catcher publication regarding this meeting and their ability to submit comment.

4.2 The School Board will evaluate all recommendations and recommend revisions for changes to these IPPs.

4.3 Any changes by the School Board will become effective upon formal adoption.

4.5 The School District will disseminate copies of the revised IPPs to the tribe and parents of Indian children via USPS, district website and the Dream Catcher publication within 30 days of adoption by the School Board.

Policy 5: The LEA will respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPPs by the LEA. [34CFR222.94(b)(5)]

Procedure 5:

5.1 The School District will annually keep track of and assemble all comments and suggestions received through the consultation processes by keeping minutes at the two school board meetings in December and May to discuss Impact Aid. The comments will be disseminated via USPS, district website and the Dream Catcher publication.

REVISED: January 22, 1990

REVISED: June 22, 1992

REVISED: October 25, 1993

REVISED: June 23, 2003

REVIEWED: December 11, 2006, May 29, 2007 and July 9, 2007

REVIEWED: May 27, 2008, December 11, 2008

REVIEWED: May 26, 2009, December 14, 2009

REVIEWED: May 24, 2010, December 13, 2010  
REVIEWED: May 23, 2011, December 12, 2011  
REVIEWED: May 29, 2012, December 17, 2012  
REVIEWED: May 28, 2013, December 16, 2013  
REVIEWED: May 27, 2014, December 16, 2014  
REVIEWED: May 26, 2015, August 24, 2015, December 14, 2015  
REVISED: May 8, 2017 & July 24, 2017  
REVIEWED: December 11, 2017  
REVIEWED: May 31, 2018, July 9, 2018, December 17, 2018  
REVIEWED: May 29, 2019, July 8, 2019, December 17, 2019  
REVISED: September 21, 2020  
REVISED: September 13, 2021  
REVIEWED: September 15, 2022, December 12, 2022  
REVIEWED: May, 22, 2023  
REVISED: September 11, 2023

<b>Todd County School District Policy: AC</b>
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## **NONDISCRIMINATION IN FEDERAL PROGRAMS**

The District 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), ESSANCLB and McKinney-Vento Act (homeless children). The District 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 District 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 District 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 District's investigation.

In compliance with applicable federal laws and regulations, the Board has appointed the Superintendent as the District's Compliance Officer to coordinate program compliance with federal programs. The Superintendent can be reached at:

Todd County School District  
110 E. Denver Drive  
PO Box 87  
Mission, SD 57555  
Phone #: (605) 856-3501

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.

## **COMPLAINT PROCEDURE**

The Board 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. The Board 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, bullying, and instructional and library materials are addressed through other School District 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), ESSA, 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., the principal, superintendent, school 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 District 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 Principal.
1. If the Complainant met with the Employee and the complaint was not resolved, the Complainant must meet and discuss the complaint with the Employee's Principal within ten (10) calendar days of the meeting with the Employee. The Principal 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 Principal, the Principal 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 Principal shall give a copy of the complaint to the District's Compliance Officer (Superintendent). The Principal shall also give a copy of the complaint to the Employee and schedule an informal meeting with only the Complainant, Employee and Principal present. At the meeting, the Principal 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 District'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 Principal on the merits of the complaint by making the request on the Complaint Form.
- C. If the Principal is asked to make a decision on the merits of the complaint, the Principal has the authority to investigate the complaint beyond the information received from the Complainant and Employee during the meeting with the Complainant, Employee and Principal. During the Principal's investigation the complainant and alleged perpetrator shall both have the opportunity, at separate

times, to present witnesses and provide evidence to the Principal. The Principal 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 Principal may be extended by the Principal 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 Principal's determination/resolution.

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

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

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

## **STEP 2: Appeal to the Superintendent**

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

- A. The appeal shall be in writing using Exhibit AC-E(2). The appealing party must attach the complaint and the Principal's written decision, if a decision was rendered.
- B. Upon receipt of an appeal, the Superintendent will provide a copy of the appeal to the other party. Within five (5) calendar days, the other party may submit a written response to the appeal. The Superintendent shall provide a copy of the response to the appealing party.

- C. In the Superintendent's sole discretion, the Superintendent may (a) meet and discuss the matter with the Complainant and Employee, (b) meet and discuss the matter with the Complainant, Employee and Principal, or (c) meet and discuss the matter with the Principal.
- D. Within fourteen (14) calendar days from the date the appeal was filed with the Superintendent, the Superintendent shall render a decision in writing. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to the Complainant and Employee; the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered. The Complainant, Employee and Principal shall receive copies of the decision. The Superintendent may uphold, reverse or modify the Principal's decision. The Superintendent may also refer the matter back to the Principal for further investigation. The Principal may uphold, modify or reverse his or her initial decision. After a matter has been referred back to the Principal, and the Principal rendered a second decision, that decision may also be appealed to the Superintendent.
- E. The Superintendent's decision may be appealed by the Complainant to the School Board within (10) ten calendar days of receipt of the Superintendent's written decision pursuant to Step 3. If the Superintendent does not render a written decision within the required time frame (14 calendar days unless extended) the Complainant may appeal to the School Board pursuant to Step 3.
- F. If the Employee believes the Superintendent's decision constitutes a violation, misinterpretation or inequitable application of School Board policy or collective bargaining agreement applicable to the Employee, the Employee may file a grievance pursuant to the applicable grievance policy. A grievance filed pursuant to this provision shall be initiated at the Superintendent level.

### **STEP 3: Complainant's Appeal to the School Board**

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

- A. An appeal to the School Board shall be in writing using Exhibit AC-E(3). The Complainant must attach the complaint, the Principal's written decision if a decision was rendered, the appeal to the Superintendent, the response to the appeal if any, and the Superintendent's decision if one was rendered.
- B. The appeal must be filed with the President/Chairperson of the School Board or Business Manager within ten (10) calendar days of Complainant's receipt of the

Superintendent's written decision, or within ten (10) days of the deadline for the Superintendent's written decision, whichever comes first.

- C. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the Employee involved.
- D. Upon receipt of an appeal to the School Board, the School Board shall schedule a date, time and location for the appeal hearing.
- E. The following procedure shall be applicable at the appeal hearing before the School Board:
  - 1. The School Board shall appoint a school board member or a person who is not an employee of the school district as the Hearing Officer.
  - 2. Within thirty (30) calendar days of an appeal being filed with the School Board, the School Board shall conduct a hearing in executive session.
  - 3. The Complainant, Employee and Superintendent each have the right to be represented at the hearing.
  - 4. The School Board shall make a verbatim record of the hearing by means of an electronic device or a court reporter. This record and any exhibits must be sealed and must remain with the Hearing Officer until the appeal process has been completed.
  - 5. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified by the School Board; in the absence of a decision by the Superintendent, the School Board will make a decision on the merits of the complaint.
  - 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 Superintendent.
  - 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 school board members may ask questions of any witness.
  - 8. After the Complainant and the Employee have presented their respective cases, the Superintendent shall then present the basis of his/her decision which led to the appeal, if a decision was rendered. The Complainant and Employee shall have the opportunity to ask the Superintendent questions.

The Hearing Officer and board members may also ask questions of the Superintendent.

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 School 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 Superintendent. The Complainant shall be given the opportunity for a brief rebuttal.
12. After the evidentiary hearing, the School Board shall continue to meet in executive session for deliberations. No one other than the Hearing Officer may meet with the Board during deliberations. During deliberations, the Board may seek advice from an attorney who did not represent any of the parties in the hearing. Consultation with any other person during deliberation may occur only if a representative of the Complainant, Employee and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date.
13. Within twenty (20) calendar days of the hearing, the School Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to the Complainant, Employee and Superintendent. The notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.
14. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will reconvene in open session. The Board may uphold, reverse, or modify the Superintendent’s decision, or render a decision on the merits of the complaint in the absence of a

Superintendent's decision. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion, shall be in writing and approved by the Board. The Complainant, Employee, Principal and Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the School Board.

15. If the Complainant is dissatisfied with the School Board's decision, the Complainant may appeal the decision by filing an appeal to the circuit court pursuant to SDCL Ch. 13-46.

Legal References: Education for All Handicapped Children Act of 1975  
20 USC §§ 1681-1688 (Equal Opportunity in Education Act)  
29 USC § 621 (Age Discrimination in Employment)  
29 USC § 701 (Vocational Rehabilitation)  
42 USC §§ 6101-6103 (Age discrimination)  
42 USC § 11301 *et seq.* (McKinney-Vento Act)  
SD Constitution, Art. VI (Bill of Rights)  
SDCL 13-37 (Special assistance and related services)  
SDCL 20-13 (Human rights)  
Title VI, Civil Rights Act of 1964 (Nondiscrimination in Federally Assisted Programs)  
Title VII, Civil Rights Act of 1964 (Prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin)  
Title IX of the Education Amendments of 1972 (Prohibits sex discrimination in federally-funded education programs)

Cross References: ACB: Nondiscrimination on the Basis of Handicap/Disability  
FEFA: Contractor's Fair Employment Clause  
GBA: Equal Opportunity Employment  
JB: Equal Educational Opportunities

ADOPTED: April 18, 1983  
REVISED: October 25, 1993  
REVIEWED: August 24, 2015  
REVISED: July 24, 2017  
REVIEWED: September 15, 2022

Todd County School District Policy Exhibit: AC - E(1)

# 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).

[illegible]

\_\_\_\_\_ (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:

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If a meeting was not held, explain why not:

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Resolution requested/sought by complainant:

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\_\_\_\_\_  
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:

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

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



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

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

ADOPTED: July 24, 2017

REVIEWED: September 15, 2022

**Todd County School District Policy Exhibit: AC - E(2)**

## NONDISCRIMINATION IN FEDERAL PROGRAMS COMPLAINT APPEAL TO THE SUPERINTENDENT

I/We Appeal the Principal's Step 1 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Principal's decision is wrong]:

[illegible]

ATTACH A COPY OF THE COMPLAINT REPORT AND THE PRINCIPAL'S DECISION.

Date \_\_\_\_\_

## Complainant

Date Received

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Superintendent

ADOPTED: July 24, 2017  
REVIEWED: September 15, 2022

Todd County School District Policy Exhibit: AC - E(3)

## NONDISCRIMINATION IN FEDERAL PROGRAMS COMPLAINT APPEAL TO THE SCHOOL BOARD

I/We Appeal the Superintendent's Step 2 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Superintendent's decision is wrong]:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

ATTACH A COPY OF THE COMPLAINT, PRINCIPAL'S DECISION, APPEAL TO THE SUPERINTENDENT, STEP 2 WRITTEN RESPONSE(S) IF ANY, AND THE SUPERINTENDENT'S DECISION.

Date \_\_\_\_\_

Complainant

Date Received

Board President/Chairperson – Business Manager

ADOPTED: July 24, 2017

REVIEWED: September 15, 2022

<b>Todd County School District Policy: ACAA-R(1)</b>
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## **SEXUAL HARASSMENT**

### **SECTION 1 - Policy Statement**

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

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

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

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

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

### **SECTION 2 - Definitions**

- A. Sexual Harassment. Federal law (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 District have actual knowledge of sexual harassment in a District educational program or activity against another person in the United States, the District shall respond promptly in a manner that is not deliberately indifferent (i.e., if the District's response to sexual harassment is clearly unreasonable in light of the known circumstances).

#### **SECTION 4 - Retaliation Prohibited**

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

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

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

1. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures (see Policy ACAA, 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 District is required to complete a step may be extended for good cause upon written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause includes, but is not limited to, utilization of the informal

resolution process, availability of an investigator if not a school employee, complexity of the investigation, absence of a party, a party's advisor, a witness, or decision-maker (including a person necessary for addressing an appeal), concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities;

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

**B. Confidentiality**

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

**C. Informal Resolution:**

1. The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy, may not require the parties to participate in an informal resolution process under this policy, and may not offer an informal resolution process unless a formal complaint is



filed.

2. Policy ACAA, Sexual Harassment, Section VII, is the section explaining informal resolution and by this reference incorporated herein as if set forth in full.

D. Formal Complaint:

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

E. Investigation of a Formal Complaint

1. The District must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard

to that does not preclude action under another provision of the District's code of conduct.

2. Unless the nature of the complaint and investigation dictate otherwise, the Investigation should be completed within sixty (60) calendar days of receipt of the complaint.
3. When investigating a formal complaint and throughout the grievance process, the District:
  - a. shall have the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility;
  - b. shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  - c. shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, provided, however, nothing in this provision prohibits the District from taking disciplinary action due to a party retaliating against any person due to that person having made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy;
  - d. shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to provision D.1., the District shall provide notice of the additional allegations to the parties whose identities are known.
5. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

F. Determination

1. The decision-maker shall not be the same person as the Title IX Coordinator or investigator(s).
2. After the Investigator has sent the investigative report to the parties, and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. All parties shall have ten (10) calendar days from the date the investigatory report was sent to the parties to submit written, relevant questions to the decision-maker, who shall forward the questions to the other party following the ten (10) period, unless all parties submitted questions prior to the end of the ten (10) day period 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 District be terminated.
5. Standard of evidence. For all formal complaints of sexual harassment filed against students and employees, the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.
6. Upon recommendation of a decision-maker, on following an appeal of the decision-maker's determination, the Superintendent may make a recommendation to the Board that a student determined to have sexually harassed another person be suspended long-term or expelled (ARSD 24:07:01:01). The Superintendent may also make a recommendation to the Board that an employee determined to having sexually harassed another person be suspended without pay or the person's employment with the District be terminated. Should either recommendation be given by the Superintendent, a formal adversarial hearing shall be held before the Board.
7. Disciplinary sanctions. Following any determination of responsibility the District may implement disciplinary sanctions and remedies that include, but are not limited to:
  - a. if a student:
    - i. loss of privileges;
    - ii. detention;
    - iii. in-school suspension;
    - iv. long-term suspension;
    - v. expulsion.
  - b. if an employee
    - i. written reprimand;
    - ii. written plan of improvement, which may include directive to obtain training related sexual harassment and the prohibition against sexual harassment;
    - iii. suspension without pay;
    - iv. termination of employment.
  - c. if a guest or vendor
    - i. restrict access to school property;
    - ii. deny access to school property.

8. The decision-maker must issue a written determination regarding responsibility. To reach this determination, the decision-maker shall apply the preponderance of evidence standard of evidence.
9. The written determination shall include:
  - a. identification of the allegations potentially constituting sexual harassment;
  - b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - c. findings of fact supporting the determination;
  - d. conclusions regarding the application of the District's code of conduct to the facts;
  - e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the District to the complainant; and
  - f. the District's procedures and permissible bases for the complainant and respondent to appeal.
10. The District shall provide the written determination to the parties simultaneously.
11. The determination regarding responsibility becomes final either on the date that the 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 school district as the hearing officer;
  - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
  - C. The Complainant, person alleged to have violated the sexual harassment policy, and Superintendent each have the right to be represented at the hearing;
  - D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;

- E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
- F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;
- G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;
- H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during



deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;

- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the decision-maker and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
- N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting sexual harassment, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a third person from being on school property or at school activities for such time as may be determined by the Board.
- O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal pursuant to law.

#### **SECTION 6 - Miscellaneous**

- A. Consolidation of formal complaints. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the

same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

**B. Dismissal of Complaint:**

1. The District may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
  - a. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. the respondent is no longer enrolled in or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
2. Upon a dismissal required or permitted pursuant to B.1. above, the District shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
3. Any party whose participation is invited or expected, shall be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
4. Both parties shall have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

**Legal References:**    \*Moran v. Rapid City Area School Dist. (Employee hearing due process)  
CFR Title 34 Part 106 (Nondiscrimination on the basis of sex)  
Title IX of the Education Amendments of 1972  
USC Title 20 §1092(f)(6)(A)(v) Definition of sexual assault  
USC Title 20 §1681-1688 Nondiscrimination on the Basis of Sex in  
Educational Programs and Activities  
USC Title 34 §12291(a)(10)    Definition of dating violence  
USC Title 34 §12291(a)(30)    Definition of stalking  
USC Title 34 §12291(a)(8)    Definition of domestic violence

**Cross References:** AC: NONDISCRIMINATION IN FEDERAL PROGRAMS  
AC-E(1 ): NONDISCRIMINATION IN FEDERAL PROGRAMS - Complaint  
Report Form  
AC-E(2): NONDISCRIMINATION IN FEDERAL PROGRAMS - Complaint  
Appeal to the Superintendent  
AC-E(3): NONDISCRIMINATION IN FEDERAL PROGRAMS - Complaint  
Appeal to the School Board  
BDDH:PUBLIC PARTICIPATION AT BOARD MEETINGS  
BDDH-E(1): PUBLIC PARTICIPATION AT BOARD MEETINGS -  
SCHOOL BOARD MEETING SPEAKER SIGN-IN SHEET  
BDDH-E(2) :PUBLIC PARTICIPATION AT BOARD MEETINGS  
INTRODUCTION TO PUBLIC FORUM  
JF: STUDENT RIGHTS AND RESPONSIBILITIES  
JFA: STUDENT DUE PROCESS RIGHTS  
JFC: STUDENT CONDUCT  
JFCC: STUDENT CONDUCT ON SCHOOL BUSES  
JFCC-R(1): STUDENT CONDUCT ON SCHOOL BUSES - (Regulation)  
JFCD: BULLYING  
JFCD-E(1): BULLYING - COMPLAINT REPORT FORM  
JFCD-E(2): BULLYING - COMPLAINT APPEAL TO THE  
SUPERINTENDENT  
JFCD-E(3): BULLYING - COMPLAINT APPEAL TO THE SCHOOL BOARD

<b>Todd County School District Policy: ACAA</b>
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## **SEXUAL HARASSMENT**

### **SECTION 1 – Policy Statement**

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

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

The District shall investigate all reported instances involving sexual harassment. Attempts to informally or voluntarily resolve the complaint should not delay the commencement of the District's investigation. Unless a different person is designated by the Superintendent to conduct the investigation, the school administrator of the school attendance center where the sexual harassment is alleged to have occurred is responsible for investigating the alleged sexual harassment. Allegations of sexual harassment may also be reported by the administration to other authorities, including but not limited to law enforcement.

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

The District strictly prohibits retaliation against any person because he or she has made a report, testified, assisted, or participated in the investigation of a report of alleged sexual harassment. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have sexually harassed

another person shall not directly or indirectly (such as through a third person) harass, pressure, or retaliate against any other person because of the complaint being reported. A violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes he or she is being subjected to retaliation because of his or her involvement with a sexual harassment report should immediately contact a school administrator.

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

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

## **SECTION 2 – Sexual Harassment Defined**

Sexual harassment is defined as 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. 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 that is prohibited under this policy. Examples of sexual harassment include, but not limited to:

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

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

Any individual 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 should immediately report it to a teacher, guidance counselor, or school administrator. The report may be made verbally or in writing. A report may be made anonymously, although disciplinary action may not be based solely on an anonymous report. If disciplinary action is being requested, the individual reporting the sexual harassment will be asked to either submit a signed written complaint or sign a

completed Sexual Harassment Report Form, Exhibit ACAA - E(1), verifying the accuracy of its content. The written complaint or Sexual Harassment Report Form must include the following:

- the date the written complaint was filed or the Sexual Harassment 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 or guidance counselor, or if the Sexual Harassment Report Form was completed by a teacher or guidance counselor, the teacher or guidance counselor shall forward the complaint or Sexual Harassment Report Form to the teacher's building school administrator.

## **SECTION 4 – Procedure for Addressing Sexual Harassment Complaints**

### **STEP 1: School Administrator Investigation and Determination.**

Should there be a report which alleges a District student, employee, school volunteer, parent, guest, visitor or vendor has been subjected to sexual harassment, an investigation into the alleged sexual harassment will be initiated. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the victim, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation by the school administrator responsible for the investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint. Unless the nature of the complaint and investigation dictate otherwise, the investigation should be completed and determination made by the school administrator on the merits of the complaint within thirty (30) calendar days of receipt of the complaint.

The person alleged to have sexually harassed another person will be notified that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have violated this policy unless and until the investigation results in a

determination that there is reasonable cause to suspect that sexual harassment did occur.

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

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

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

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

## **STEP 2: Appeal to the Superintendent**

The following procedure shall be used to address an appeal of the school administrator's decision in Step 1 to the Superintendent:

1. If either party is not satisfied with the school administrator's decision, or if the school administrator does not render a written decision within fourteen (14) calendar days of the request for a decision on the merits of the complaint, that party may appeal to the Superintendent by filing form ACAA - E(2). The appeal must be filed within ten (10) calendar days of receipt of the school administrator's written decision, or ten (10) days of the deadline for the school administrator's written decision, whichever comes first. The appealing party must attach the school administrator's written decision.

2. Within fourteen (14) calendar days from the date the appeal was filed, the Superintendent shall render a decision in writing. All parties shall receive copies of the decision. The Superintendent shall uphold, reverse, modify the school administrator's decision, or the Superintendent may refer the matter back to the school administrator for further investigation and supplemental decision which decision may restate, modify or reverse the school administrator's initial decision. A supplemental decision by the school administrator after a referral back to the school administrator is subject to appeal to the Superintendent. The time frame for rendering a decision by the Superintendent may be extended by the Superintendent for good cause and upon written notification to all parties, which notification shall identify the reason for the extension and the date on or before which the decision shall be rendered.

### **STEP 3: Appeal to the Board**

If either party is not satisfied with the Superintendent's decision, or if the Superintendent does not render a written decision within fourteen (14) calendar days of the receipt of the appeal, that party may appeal to the School Board by filing with the Business Manager using Form ACAA - E(3) 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 school administrator's written decision, the appeal to the Superintendent, and the Superintendent's written decision or notice of the Superintendent's failure to render a written decision.

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

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the sexual harassment policy.
2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the Board:
  - A. The Board shall appoint a board member or a person who is not an employee of the school district as the hearing officer;
  - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
  - C. The Complainant, person alleged to have violated the sexual harassment policy, and Superintendent each have the right to be represented at the hearing;



- D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
- E. The issue on appeal is whether the Superintendent's decision should be upheld, reversed or modified;
- F. All parties shall be given the opportunity to make an opening statement, with the appealing party being given the first opportunity, followed by the other party, and then the Superintendent;
- G. The appealing party shall present his or her case first, and the other party shall then present his or her case. Both parties shall have the opportunity to ask questions of the other's witnesses. The hearing officer and board members may ask questions of any witness;
- H. The Superintendent shall present the basis of his/her decision which led to the appeal. Both parties shall have the opportunity to ask the Superintendent questions. The hearing officer and board members may also ask questions of the Superintendent;
- I. Unless a witness is a party to the appeal, witnesses may be present only when testifying unless the hearing officer rules otherwise. All witnesses must take an oath or affirmation administered by the School Board president, hearing officer or other person authorized by law to take oaths and affirmations;
- J. The hearing officer shall admit all relevant evidence. The hearing officer may limit unproductive or repetitious evidence. The strict rules of evidence do not apply. *Moran v. Rapid City Area School Dist.*, 281 N.W.2d 595. 602 (S.D. 1979).
- K. All parties shall be given the opportunity to make a closing statement, with the appealing party having the first opportunity, followed by the other party, and then the Superintendent. The appealing party shall be given the opportunity for a brief rebuttal;
- L. After the evidentiary hearing, the Board shall continue to meet in executive session for deliberations. No one other than the hearing officer may meet with the Board during deliberations. The Board may seek advice during deliberation from an attorney who has not represented any of the parties to the hearing. Consultation with any other person during deliberation may occur only if a representative of both parties and Superintendent are present. The Board may, in its sole discretion, continue the proceedings and make a final decision on the appeal at a later date. Within twenty (20) calendar days of the hearing, the Board shall render its decision and issue its written Findings of Fact, Conclusions of Law and Decision. The time frame for rendering a decision may be extended by the Board President for good cause and upon written notification to both parties and the Superintendent, and the notification shall identify the reason for the extension and the date on or before which the decision shall be rendered;

- M. The decision of the School Board must be based solely on the evidence presented at the hearing and must be formalized by a motion made in open meeting. The Board will convene in open session and a motion to uphold, reverse, or modify the Superintendent's decision shall be made and voted upon. Findings of Fact, Conclusions of Law and Decision, consistent with the Board motion shall be in writing and approved by the Board. Both parties, the school administrator 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.

Legal References: Title IX of the Education Amendments of 1972 (Prohibits sex discrimination in federally-funded education programs)  
Moran v. Rapid City Area School Dist., 281 N.W.2d 595. 602 (S.D. 1979)

Cross References: JF: Student Rights and Responsibilities  
JFA: Student Due Process Rights  
JFC: Student Conduct  
JFCD: Bullying  
JFCC (EEACC): Student Conduct on School Buses

ADOPTED: July 24, 2017  
REVISED: September 15, 2022

**Todd County School District Policy Exhibit: ACAA - E(1)**

# 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:

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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):

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(use additional sheets if necessary).

Date \_\_\_\_\_

School Employee Completing the Sexual Harassment Report Form

Date \_\_\_\_\_

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Person Reporting the Sexual Harassment

ADOPTED: July 24, 2017

REVIEWED: September 15, 2022

<b>Todd County School District Policy Exhibit: ACAA - E(2)</b>
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## SEXUAL HARASSMENT COMPLAINT APPEAL TO THE SUPERINTENDENT

I/We Appeal the Principal's Step 1 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Principal's decision is wrong]:

[illegible]

ATTACH A COPY OF THE SEXUAL HARASSMENT REPORT AND THE  
PRINCIPAL'S DECISION.

Date \_\_\_\_\_

Complainant

Date Received

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Superintendent

ADOPTED: July 24, 2017

REVIEWED: September 15, 2022

**Todd County School District Policy Exhibit: ACAA - E(3)**

## SEXUAL HARASSMENT COMPLAINT APPEAL TO THE SCHOOL BOARD

I/We Appeal the Superintendent's Step 2 decision for the following reason(s): [With specificity, Complainant should state how or why the Complainant believes the Superintendent's decision is wrong]:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

ATTACH A COPY OF THE SEXUAL HARASSMENT REPORT, PRINCIPAL'S  
DECISION, APPEAL TO THE SUPERINTENDENT (Exhibit ACAA - E(2)),  
EMPLOYEE'S STEP 2 WRITTEN RESPONSE, AND SUPERINTENDENT'S  
DECISION.

Date \_\_\_\_\_

Complainant

Date Received

Business Manager

ADOPTED: July 24, 2017

REVIEWED: September 15, 2022

<b>Todd County School District Policy: AD</b>
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## **EDUCATIONAL PHILOSOPHY/SCHOOL DISTRICT MISSION**

### **Our Mission**

Todd County Schools--in partnership with community, tribe and other educational entities--are committed to providing our students with quality preparation that will empower them to succeed academically, socially/emotionally, culturally and spiritually in an ever changing world.

### **Our Vision**

*Empowering all students in their success.*

### **Our Guiding Principles**

1. Knowing the children we teach – individually, culturally, and developmentally – honors and values our own cultures and those of others. We recognize that many cultures including indigenous,youth, and contemporary Western culture impact the development of identity.
2. Knowing the families of the children we teach is as important as knowing the children we teach.
3. The social and emotional curriculum is as important as the academic curriculum in preparing students for a self-sufficient future.
4. How children learn is as important as what they learn. Great cognitive growth occurs through social interaction.
5. How we, the adults at school, work together is as important as our individual competence: Lasting change for the betterment of all, begins with the adult community.

\* Adapted for Todd County from Responsive Classroom and NACA Core Values

### **Our Values**

Woksape (Wisdom)  
Wacantognaka (Generosity)  
Woohitka (Courage)  
Wowancintanka (Fortitude)

## **Our Goals**

### **Partnerships**

Todd County schools will partner with families, communities, & agencies to support the whole child.

### **Academic**

Students will show growth and competency in language arts, math, science, and social studies.

### **Social/Emotional**

All students will learn a set of social and emotional skills.

### **Cultural**

Students will improve their understanding of the Oceti Sakowin culture, history, and language.

### **Wolakota**

Students will gain skills and knowledge to live in balance (emotionally, mentally, physically, socially, etc.).

ADOPTED: June 22, 1992

REVISED: October 25, 1993

REVIEWED: August 24, 2015

REVISED: March 29, 2016

REVISED: September 12, 2016

REVISED: July 24, 2017

REVISED: September 15, 2022

<b>Todd County School District Policy: ADC</b>
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## **TOBACCO-FREE SCHOOLS**

The District recognizes its duty to promote the health and safety of students, staff and citizens on district property and during school-sponsored activities. In accordance with this responsibility, it is the intent of the School Board to establish a tobacco-free school environment that demonstrates a commitment to helping students resist tobacco use and that emphasizes the importance of adult role modeling.

The use, possession, or promotion of tobacco on school property by students, employees, vendors, visitors and invitees is prohibited. Students and employees are also prohibited from using or promoting tobacco at school-sponsored activities off school property. Students participating in school activities are also subject to such rules as may exist pursuant to an applicable activity code of conduct.

For the purposes of this policy:

1. "Tobacco" means any substance or item, in any form, containing tobacco and electronic nicotine delivery devices (e-cigarettes), which may not contain tobacco;
2. "School property" means all district-owned, rented or leased buildings, grounds and vehicles;
3. "School-sponsored activity" means any planned, organized, endorsed, or supervised activity involving district students or staff that occurs either before, during or after regular school hours;
4. "Promotion" means the use or display of tobacco-related clothing, bags, lighters, or other material that is designed to encourage the acceptance or use of tobacco.

Students in violation of this policy will be given the South Dakota Quitline information. Students violating this policy on subsequent occasion(s) shall be subject to disciplinary action pursuant to district policy.

District employees in violation of this policy will be subject to disciplinary action. Visitors, vendors and invitees in violation of this policy will be subject to appropriate consequences, which may include being directed to leave school property.

The superintendent shall provide reasonable public notification of the district's policy, including inclusion in student and staff handbooks.



Legal References: SDCL 13-8-39 (Management of schools by board)  
SDCL 34-46-14 (Smoking in public place or place of employment  
prohibited)

ADOPTED: February 24, 1992  
REVISED: October 25, 1993  
REVISED: May 24, 1999  
REVISED: May 26, 2009  
REVIEWED: August 24, 2015  
REVISED: July 24, 2017  
REVISED: September 15, 2022

## **PARENT, STUDENT AND TODD COUNTY SCHOOL DISTRICT RESPONSIBILITIES**

### **PARENT RESPONSIBILITIES**

1. send your child to school as required by South Dakota Law (SDCL 13-27-1); exceptions SDCL 13-27-3 and Title 3 Chapter 4 Compulsory School Attendance, Rosebud Sioux Tribe Law and Order Code;
2. make certain your child's attendance at school is regular and punctual and all absences are properly excused;
3. insist that your child is clean, dressed in compliance with school rules of sanitation and safety, and in a fashion that will not disrupt classroom procedures;
4. be sure your child is free of communicable disease and is in as good health as possible;
5. guide your child from the earliest years to develop socially acceptable standards of behavior, to exercise self-control, and to be accountable for his/her actions;
6. teach your child, by word and example, respect for law, for the authority of the school, and for the rights and property of others;
7. know and understand the rules your child is expected to observe at school; be aware of the consequences for violations of these rules; and, accept legal responsibility for your child's actions;
8. instill in your child a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge; and
9. become acquainted with your child's school, its staff, curriculum and activities; attend parent-teacher conferences and school functions.

### **STUDENT RESPONSIBILITIES**

1. take advantage of the academic opportunities offered at school;
2. support and participate in school activities;
3. attend school regularly and punctually; excuses for absences or tardiness must be in writing by a parent or guardian;
4. remain on the school campus during the school day; permission to leave must be in writing by an administrator, nurse or attendance clerk;
5. be self-controlled, reasonably quiet, and non-disruptive in classrooms, hallways, study areas, school buses, on school property, and at school activities;

6. be clean and dress in compliance with school rules of sanitation and safety, and in fashion that will not disrupt classroom procedures;
7. be reasonable, modest, self-controlled, non-suggestive and considerate in your relationships with other students;
8. strive for mutually respectful relationships with teachers;
9. keep your language and gestures respectful and free of profanity or obscenities;
10. respect private, public, and school property;
11. obey the school rule against use or possession of tobacco by students and the "Drug Free Schools" rule on school property or while attending school-sponsored activities; and
12. be informed regarding student rights and responsibilities;

#### TEACHER & STAFF RESPONSIBILITIES

1. reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student;
2. guide learning activities so students learn to think and reason, assume responsibility for their actions, and respect the rights of others;
3. participate in the establishment of school rules and regulations regarding student behavior; explain these rules to students, and require observance of them;
4. be fair, firm, and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on the school campus, and at all school-sponsored activities;
5. give positive reinforcement for acceptable behavior;
6. demonstrate, by word and personal example, respect for law and order self-discipline;
7. refer to a counselor or administrator any student whose behavior requires special attention; and
8. inform parents regarding student achievement and behavior; and consult with parents whenever necessary.

#### PRINCIPALS' RESPONSIBILITIES

1. create the best teaching-learning situation possible, exercising all authority assigned by the superintendent and school board;
2. organize school schedules and teaching assignments and require effective classroom management and instruction;
3. take leadership in establishing reasonable rules and regulations for the well-ordered operation of the school;
4. make these rules and regulations known to and understood by students, parents and all school staff;
5. receive teacher or counselor referrals of students with behavior problems, confer with these students, communicate with parents, and set

- up cooperative procedures for bringing about modification of the students' behavior;
- 6. be fair, firm, and consistent in all decisions affecting students, parents and staff;
- 7. demonstrate, by word and personal example, respect for law and order self-discipline and genuine concern for all persons coming under your authority;
- 8. become acquainted with your students by visiting classrooms and attending school activities; and
- 9. maintain open lines of communication between school and home.

#### SCHOOL BOARD, SUPERINTENDENT, & DISTRICT ADMINISTRATORS' RESPONSIBILITIES

- 1. maintain a well-trained staff at all levels;
- 2. inform the community what is expected of Todd County students and what happens if rules are violated;
- 3. give full support to the staff charged with the responsibility for enforcing discipline in accordance with District Policy and South Dakota law;
- 4. develop programs which provide for students with special needs;
- 5. be fair and consistent in making the final decisions regarding those students whose behavior problems have been appealed from individual schools to the superintendent and school board, in accordance with district policy and South Dakota law; and
- 6. become acquainted with the schools, staff and students, by visiting building regularly and by attending school activities.

ADOPTED: June 24, 2019

REVISED: September 15, 2022