

**SECTION IV**

**STUDENTS**

**IV-A. COMPREHENSIVE STUDENT DISCIPLINE POLICY**

HAMLIN SCHOOL DISTRICT NO. 28-3

As adopted by the Hamlin Independent School Board  
July 11, 1977

This is a standard discipline policy which will be implemented throughout the entire Hamlin School system. Students, parents, staff, and the community shall be informed of these policies.

The term "parent" as used in this policy shall mean the legal guardian or guardians of the student.

The purpose of this policy is to assure that the school provides an effective and orderly learning environment and at the same time assures all the students the right to due process and fundamental fairness. The school board has the responsibility of establishing rules which will assist in: (1) avoiding disruption of the school program; (2) preventing the invasion of the rights of others; (3) protecting school property; and (4) alleviating any clear and present danger to the health, safety and welfare of the student body and staff of the school.

Breach of discipline is herein understood as any conduct of pupils which interferes with the maintenance of school discipline.

CLASSIFICATIONS OF BREACHES OF DISCIPLINE

1. ATTENDANCE

It is compulsory that all children who are six (6) years old by the first day of September and have not exceeded the age of sixteen (16) shall regularly attend school, and as of 7/1/09, the compulsory attendance age shall be 18 years. Since students attending senior high school may be beyond the age requirements specified by South Dakota law, the basic responsibility for regular school attendance lies with students and with the parents. The role of the school in attendance matters is one of cooperation, counseling, and reporting to parents. Parental cooperation is expected. Attendance is a part of each student's permanent record. It is one of the major concerns of an employer. A casual attitude toward regular school attendance extends into adulthood. It is the duty of the school officials to know the whereabouts of students during the school hours, except during open lunch period, and students may be excused for specific purposes only through the principal's office. Attendance is taken in each class and study hall and a record is kept of absences from each class. Hours of absence will be accumulated and recorded on report cards each nine weeks and on permanent school records at the end of each school year.

The following regulations apply to all students and pertain to absences of all types. Administrative discretion will be used when necessary.

- A. ABSENTEEISM: Student rules regarding absenteeism, tardiness, truancy shall be found in the Hamlin Student Hand Book.

2. WEAPONS AND DANGEROUS INSTRUMENTS:

No person, other than a law enforcement officer, shall intentionally carry or have in his possession, store, keep, leave, place or put into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used or intended primarily for imitative or noise making purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle or building or any premises, vehicle or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions. This policy does not apply to starting guns while in use at athletic events, firearms or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms.

3. IMPLEMENTATION OF POLICY

A. RESPONSIBILITY

1. It shall be responsibility of the staff to maintain order wherever they may be on the school grounds.
2. When specific assignments such as classroom management, group sponsorships, etc., are made, the particular staff member to whom such assignment is made is responsible for student discipline.

B. TEACHERS

1. To the extent that they are able to do so effectively, teachers should handle disciplinary cases. If a teacher feels that a problem is developing, he/she should seek assistance from the principal. If the learning situation is being disrupted, a student may be sent to the office.

C. COUNSELOR

1. The counselor should be aware of any discipline problem involving a student and should make every attempt to assist in its solution.

D. ADMINISTRATION

1. The principal, as the educational leader, will be responsible for the implementation of this policy.

E. CLASSIFIED EMPLOYEES

1. Classified employees shall be defined as secretaries, custodians, bus drivers, cooks, and para-professionals.
2. As a general practice, classified employees should be responsible for assisting in the discipline related to their function within the limitations set by the principal.
3. All discipline action by classified employees must be reported to the principle.

## DRUG FREE WORKPLACE

In accordance with Federal workplace requirements it will be the goal of the Hamlin School District to maintain a drug free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Hamlin School District Attendance Centers.

All employees will abide by the terms of the drug-free workplace and they shall, if convicted of any criminal drug statute for a violation occurring in the workplace, report such conviction to the superintendent within five (5) days.

Within thirty (30) days, any employee so convicted may be subject to termination or may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a Federal, State, local health, law enforcement or other appropriate agency.

The District shall provide a drug-free awareness program consisting of the following:

1. Provide knowledge about the dangers of drug abuse in the workplace.
2. Provide knowledge about the District's policy regarding a drug-free workplace.
3. Provide knowledge of drug counseling, rehabilitation and employee assistance programs.
4. Provide knowledge about penalties which may be imposed upon employees for drug abuse violations occurring in the workplace.

### **IV-B. HAMLIN DRUG PREVENTION PROGRAM**

#### Alcohol and Other Drug Use by Students

The Hamlin School Board recognizes its share of the responsibility for the health, welfare and good of the students who attend the district's schools. Alcohol and other drug use is wrong and harmful and can interfere with a student's ability to learn and function in the school setting and community. Anything that can interfere with the development of an adolescent, therefore, must be evaluated as to its impact to both the young person and the community. Psychoactive and mood altering drugs can destroy the health and well-being of an individual. The Hamlin School and community recognizes alcohol and/or other drug use as a serious health problem and is committed to discourage this behavior and to encouraging young people to choose a drug free lifestyle and to seek help should a problem arise.

As educators, we recognize that chemical use (alcohol and other drugs) has become a serious problem in our country. We accept our obligation to establish a positive environment in which these problems can be presented through a comprehensive school drug free program and be addressed locally in a helpful and supportive, rather than punitive way. One of our goals is to prevent all use by students. Accomplishing this goal, we realize, will entail training teachers, counselors, and other staff members to educate themselves and the community about the impact of drug use. Other goals are to teach staff to identify indicators of alcohol and/or other drug use problems and to know what resources are available to address these problems if they are observed. The administration recognizes that the problem of alcohol and/or other drug use is a school and community issue. Therefore, we are committed to cooperate with agencies and community groups that address these issues.

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

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, nor be under the influence of alcohol and/or other drugs which affect the educational process of the school. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs. Students who use prescription drugs authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

#### **IV-C. DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES**

The following procedures will be used in dealing with possession, use, distribution, or being under the influence of alcohol and other drugs:

A. First Offense:

1. The administration will notify the parent(s)/guardian(s) by phone to explain the incident and arrange a conference;
2. The administration may suspend the student for ten (10) days in compliance with student due process procedures;
3. The administration will notify the parent(s)/guardian(s) in writing of the suspension within thirty-six (36) hours; and,
4. The administration will notify available law enforcement authorities.

B. Second and Subsequent Offenses:

1. The administration will contact the parent(s)/guardian(s) to arrange a conference;
2. The administration will notify available law enforcement authorities;
3. The administration will suspend for ten (10) days in compliance with student due process procedures;
4. Within thirty-six (36) hours, the administration will notify the parent(s)/guardian(s) in writing of the suspension.
5. The Hamlin School District will require that students with alcohol and other drug abuse problems seek professional assessment from a trained chemical dependency counselor or a licensed physician trained in chemical dependency. Because we believe that chemical dependency is preceded by misuse, we feel confident that such early intervention can benefit the student before significant harm or dependency results.

The suspension of a student who agrees to be assessed will be commuted to three (3) days. The administration will provide a list of agencies/professionals who can do the assessment and

provide treatment. Fees for this assessment and treatment are the responsibility of the student and family.

C. Subsequent Offense:

1. The administration may recommend to the school board that the student be expelled unless the following procedure is followed:
  - a. The student must agree to be assessed by a trained chemical dependency counselor or a licensed physician in chemical dependency;
  - b. Upon appropriate authorization, the agency or professional notifies the administration that the student has been assessed and does not require treatment. If the student is accepting needed treatment, the recommendation for expulsion may be commuted. Fees for this assessment and/or treatment are the responsibility of the student and family.

D. Supplying/Distributing or Selling Alcohol and Other Drugs or Material Represented to be a controlled Substance -

1. Within thirty-six (36) hours, the administration will notify parent(s)/guardian(s) in writing of the suspension;
2. Supplying or selling chemicals will result in a ten (10) day suspension;
3. The administration will refer the case to available law enforcement authorities;
4. Expulsion may be recommended by the administration;
5. A hearing on the case will be conducted by the school board pursuant to due process rules for expulsion.

E. Students whose observed behavior indicates possible use of alcohol and/or other drugs will be referred to the building administrator. The building administrator and/or "first-responder" medical personnel will determine whether to contact the parent for further instruction, refer to the emergency authorization form or immediately seek additional medical treatment. Following the handling of the medical emergency, this Policy Statement for Alcohol and/or Other Drug Abuse will be followed.

F. A Biennial Review of the School Districts Program will be made -

1. To determine the programs' effectiveness and implement changes to the programs if they are needed; and,
2. To insure that disciplinary sanctions are consistently enforced.

G. All disciplinary procedures shall be implemented in accordance with South Dakota statutes and regulations.

#### **IV-D. WELLNESS POLICY**

School Wellness Committee:

- Administrator(s)
- Middle School Teacher
- Physical Education Teacher
- School Board Member
- Food Service Representative
- Elementary School Teacher
- High School Teacher
- Health Education Teacher
- Community Member/Parent(s)

The primary goal of nutrition education is to influence students' eating behaviors. At each grade level nutrition education will be integrated into existing curriculums and designed to provide students with the knowledge and skills necessary to promote their health.

1. Provide a positive environment and teach consistent scientifically based nutrition messages throughout the school, classroom, and cafeteria.
  - a. Students and staff will have adequate space to eat meals in clean, safe, pleasant surroundings and will have adequate time scheduled.
  - b. Safe drinking water and convenient access to facilities for hand washing and oral hygiene will be available during all meal periods.
  - c. Hamlin Schools will strive to provide ongoing professional development and education for foodservice professionals and educators.
  - d. Hamlin Schools will strive to provide nutrition and physical education for students, staff, parents, and, where appropriate, for community members.
2. The primary goal for the school's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity and understand the short- and long-term benefits of a physically active and healthful lifestyle.
  - a. All students in grades K-5 will receive physical education at least twice a week for the entire school year.
  - b. Students in grades 6-12 will be provided physical education opportunities that follow the SD standards and requirements for Physical Education.
  - c. All PreK-5 school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which students are encouraged to engage in moderate to vigorous physical activity.
3. Students' lifelong eating habits are greatly influenced by the types of foods and beverages available to them. Foods of good nutritional content should be encouraged during the normal school day.
  - a. The sale of food or beverages as a fund raiser must not interfere with serving lunch/breakfast programs.

#### **School Meal Program**

- The school food service program shall operate in accordance with the National School Lunch Act and the Child Nutrition Programs. All schools will comply with USDA regulations and state policies.
- Hamlin Schools shall offer varied and nutritious food choices that are consistent with the federal government's Dietary Guidelines for Americans.

- Menus should be planned with input from students, wellness committee members, and other school personnel and should take into account students' cultural norms and preferences.
- Students with special dietary needs (diabetes, celiac sprue, allergies, etc.) will be accommodated as required by USDA regulation.

UPDATED 1/13/2025

**IV-E. PAYMENT OF DELIQUENT SCHOOL LUNCH BILLS**

The Hamlin School District No. 28-3 Board of Education has established a policy on paying delinquent lunch bills. The policy will become effective September 11, 2007 and will allow only twenty (20) meals to be charged per child. Parents will have the option to pay cash on a daily basis for their children's meals if they have charged the maximum number of meals.

Once a student has reached 15 charged meals, the parents will then be notified with a letter that the child/children will be denied meals in the lunchroom unless the bill is paid in full within five (5) days, or the parents have made arrangements through the Business Manager's Office to take care of the outstanding bill.

**IV-F. STUDENT RIGHTS**

IT IS THE STUDENT'S RIGHT TO:

IT IS THE STUDENT'S RESPONSIBILITY TO:

Attend school in the district in which his/her parent or legal guardian resides or as otherwise allowed by law.

Attend school daily, except when ill, and to be on time at all classes.

Attend school until graduation from high school at public expense, or until attaining the age of twenty-one years.

Attend school until sixteen or complete the eighth grade.

Obtain free textbooks and supplies needed in the course of study.

Pay admission to the activities if attendance therein is voluntary.

Attend school at no expense even though married.

Obey reasonable restrictions on married students where the board has such rules and regulations.

Assist in making of decisions affecting his/her life in school.

Pursue and attempt to complete the course of study prescribed by the state and local officials.

Express his/her opinions verbally or in writing.

Express his/her opinions and ideas in a respectful manner so as not to offend or slander others.

Expect that the school will be a safe place for all students to gain an education.

Be aware of all rules and regulations for student behavior and conduct him/her self in accordance with them.



File a grievance with the appropriate school official when accused of misconduct.

Be willing to volunteer information and cooperate with school staffs in disciplinary cases.

Be afforded to a fair hearing with the opportunity to call witnesses in his/her own behalf, and to appeal his/her own case in event of disciplinary action.

Assist the school staff in running a safe school for all students enrolled therein.

Expect that where he/she bears witness in a disciplinary case his/her anonymity will be honored by the school.

Take an active part in student government by running for office, or voting for best candidates; making his/her problems known to the staff through his/her representatives.

Be represented by an active student government selected by free school elections.

Assume that until a rule is waived, altered or repealed that it is in full effect.

Assist in the making of school rules.

#### **IV-G. MULTI-DISTRICT STUDENT DRIVING POLICY**

Students attending the Multi-District will ride to and from Multi-District on the Hamlin School bus. Parents may submit verbal or written requests for students to be excused from riding on the bus, specifying the reasons for the request. Requests will be considered by the School Principal, and decisions made on a case by case basis. Students will not be excused from riding the school bus to the Multi-District simply because a friend has been excused and will be driving.

02/13/95

#### **IV-H. BUSING FOR STUDENT ACTIVITY TRIPS**

A. All school district bus rules will be in effect.

B. For athletic contests:

1. There will be a charge, collected before the bus leaves to cover the cost of transportation.
2. Only students in grades seven through 12 are permitted to take the bus for "away" games.
3. The bus leaves for home immediately after the game.

#### **IV-I. LUNCHROOMS**

A hot lunch program is offered for all Hamlin students.

The lunch period is meant to be a period of relaxation as well as a time to eat. The following rules are to be observed:

- A. Visiting is permitted, but no shouting.
- B. Students should enter at a walk.
- C. Throwing of food will not be tolerated.
- D. Dishes and silverware are to be returned to designated areas and paper materials placed in garbage containers provided.
- E. Food shall not be taken from the lunchroom.

First and second violations may result in solitary eating. A third violation could result in the loss of lunchroom privileges. The building principals shall assign such supervisors as necessary.

**IV-J. PLAYGROUND**

- B. Basic, clearly defined playground rules shall be set up for each building, prepared by the administrator, teachers, and aides, and enforced uniformly. Students shall be informed of their responsibilities.
- B. There will be supervision of the playground before school. Students should not arrive on the school grounds before 8:15 A.M. when adult supervision begins.
- C. Any gross misconduct will be reported to the building principal.

**IV-K. CONDUCT OFF SCHOOL GROUNDS**

The authority of school officials to control student conduct off school grounds and outside school hours is well settled in the law. Where the students are engaged in a school-sponsored activity, the authority of the school officials is the same as if the activity took place on school property.

**IV-L. CORPORAL PUNISHMENT**

South Dakota law permits superintendents, principals, supervisors, and teachers to inflict corporal punishment on students who are insubordinate or disobedient. Such punishment may be inflicted both within the school and at official functions away from school. Bus drivers may also inflict corporal punishment for infractions of good order and safety while students are riding, boarding, or leaving the bus.

All corporal punishment must be "reasonable" considering the age, size, sex and general strength of the student. It must not be cruel or excessive, or result in permanent injury. It must not be actuated by malice or passion. Arising out of the teacher's loco parentis (in place of the parent) relationship, the standard required of the teacher is that which is normal, prudent parent would be in the same or similar circumstances. Thus, reasonableness must be decided on the bases of the facts in each case; since all cases differ, the circumstances are controlling on the question of reasonableness.

Excessive punishment has been held by the courts to constitute assault and

battery where the circumstances show that a teacher or other school official has exceeded the behavior of the normal, prudent parent (who has the welfare of the student at heart).

#### **IV-M. HAIR AND DRESS**

In 1971, the United States Court of Appeals for the Eighth Circuit (which includes South Dakota) ruled that a student has "a constitutionally protected right to govern his appearance while attending public school". To limit or curtail this or any other fundamental right, the state has a "substantial burden of justification".

The school board, as agents of the state, must show that there is an overriding public purpose to be served by limiting student's rights to appear in school with long hair. Such justification might include evidence that long hair

disrupts the on-going school program, or invades the rights of others, or is a health or safety hazard, but only after the facts, and not in the form of prior restraints.

Students have the responsibility of refraining from hair or dress which will disrupt the school or are a health or safety factor. Courts have been inclined to back the board where it was demonstrated that a reasonable rule was necessary to limit hair length and dress in the interests of cleanliness, decency and decorum in school.

#### **IV-N. LOCKER SEARCHES**

The courts have unanimously upheld the claim that school lockers are school property loaned or rented to the students for his/her convenience. School authorities may search the student's locker without prior warning in seeking contraband, because, standing in loco parentis, school authorities are charged with the safety of all the students under their care and supervision. Such a search is not an "illegal" search under the Fourth Amendment to the Federal constitution, but a reasonable exercise of board power in the interests of health, welfare, and safety of all school students.

Courts have reasoned that the school extends locker use to students only for legitimate purposes. School authorities, therefore, have not only the right but the duty of inspecting lockers either periodically or on an adhoc basis in the interests of making the school a "safe" place in which to study.

#### **IV-O. POLICE IN THE SCHOOLS**

As the school stands "in loco parentis" (in place of parents) when students are at school, or involved in school activities, the school has an obligation to both the student and student's parents. Therefore, it is the policy of the School District that should a law enforcement officer wish to talk with a student when the student is on school property or under school supervision, the District will not allow the law enforcement officer to meet with and talk with the student unless the school has first notified the student's parents of the request and permission granted by the parents for the law enforcement officer to meet with and talk to the student. The parents shall have the right to deny the request, and should permission be granted to the request, to be present in person or through a representative at the time of the meeting.

The exception to the above is if the school has reason to request the presence of law enforcement due to an incident at school such that immediate law enforcement assistance is necessary. In such instances, however, the school will attempt to contact the parents immediately in order that they be requested to come to the school immediately.

However, as the Department of Social Services has the primary responsibility to investigate alleged child abuse and neglect, it is the policy of the District to allow the Department of Social Services to meet with and talk with any student during the time the student is under the jurisdiction of the school, without prior notification to the parents and parental approval being required.

The above policy attempts to balance the rights of the student and parents with the responsibilities of law enforcement to investigate criminal matters and responsibility of the Department of Social Services to investigate child abuse and neglect matters. It is the desire and intent of the District to cooperate fully with the authorities, including law enforcement and the Department of Social Services, to the fullest extent possible while continuing to recognize the school's role and responsibilities in such matters and in full consideration of the rights of the students and parents.

#### **IV-P. SCHOOL RULES**

The school board and staff may legally make reasonable and necessary rules governing the conduct of students in school. The rules making power, however, is not unlimited: it must operate within statutory and constitutional restraints. A board of education has only those powers which are enumerated in the orderly operation of the school.

The First Amendment spells out the constitutional rights of students to freedom of religion, association, speech and press, peaceable assemble and petition. The Fourteenth guarantees the equal protection of the laws and due process of law. The greater loss of freedom through the operation of a board rule, the more careful must the board be in assuring full citizenship rights to students.

Boards may not make rules which are arbitrary, capricious or outside their gift of authority from the legislature. Their rules must stand the test of fairness and reasonableness. While there is no hard and fast definition of what is reasonable, a rule is generally considered so if it utilizes a rational means of accomplishing some legitimate school purpose. This may be a matter of fact for the jury to determine in a court of law.

Constitutionally protected activity may not be infringed upon unless the school officials can show that the failure to regulate would create a material and substantial disruption of school work and discipline, or would invade the rights of others, or would result in a clear and present danger to the health, morals, safety or general welfare of others. Whether such restraint is necessary is for the board and its representatives to prove through factual evidence and not through opinions.

School rules are assumed to be "reasonable" until they are rescinded or waived. The first priority of the students should therefore be to obey the rules while working through channels to help change those which he/she does not approve of.

#### **IV-Q. FLAG SALUTE AND PLEDGE OF ALLEGIANCE**

The school board may legally provide for a flag salute and pledge of allegiance as a regular school exercise. Participation by students in these exercises, however, cannot be required of any student who objects to them on ground of conscience.

Courts are divided on the issue of whether students who are excused from these exercises have the right to remain seated rather than to stand quietly or leave the room. Any reasonable rule which takes into account both the individual's interests and those of the board of education would be considered legally acceptable.

A state law makes it a misdemeanor to willfully and maliciously abuse or show contempt for the flag of the United States of America.

#### **IV-R. POLICIES IN RELATION TO STUDENTS**

##### Students Acceptable

All students of the districts and surrounding area are welcome to attend the Hamlin schools, under the attendance laws of the state.

##### Citizenship

All students attending Hamlin Schools are definitely expected to be good and abide by the rules and regulations of the school. Students not willing to comply with this standard may be suspended or expelled. Such discipline will only take place after all possible attempts have been made to get the student to change his attitude.

It shall be the policy of the board of education to support the administration and the teachers in all matters of discipline under reasonable circumstances.

#### **IV-S. ACTIVITIES CODE OF CONDUCT**

Students participating in school activities are required to conduct themselves with respect for self and others through their actions, language, and dress. Students who choose to participate in school activities represent their community and school at public events and performances. Student activity participants are expected to demonstrate behavior that reflects positively on the individual, the school, and the community all year round.

#### **Activity Rules**

##### **DEFINITIONS**

1. **School Activities:** School Activities include, but are not limited to, athletics, cheerleading, fine arts groups, school-sponsored organizations, and any other school-sponsored activity.
2. **School Activity Event:** A public presentation, performance, competition, or trip associated with participation in a school-sponsored activity.
3. **School Administration:** School Administration shall be the superintendent, principal, and athletic director.

##### **ACTIVITY RULES DISCIPLINE PLAN**

- Student participation in school activities is a privilege, not a right. Students who choose to participate in school activities are expected to exemplify high standards of behavior and positively represent Hamlin school and the community and to bring credit rather than discredit to the school whose programs make such participation possible.
- Any middle school or high school student wishing to participate in school activities shall not possess, sell, dispense, or use tobacco; any form of electronic cigarette; a controlled mood-altering substance, such as steroids, marijuana, inhalants, alcohol, and other drugs; or commit any crime against a person or against property.
- These activity rules will be enforced the entire year, which includes the summer months, regardless of whether or not the student is participating in an activity at the time. A student who violates these regulations shall be ineligible to participate according to the activity rules listed below.
- The following activity rules apply for all students participating in school activities whether the offense occurs in a school, on school property, in district vehicles or buses, at district events, or away from district property. **The Activity Rules Discipline Plan applies to all students participating in school activities.**
  - Violations shall accumulate for four years in high school (grades 9-12). Middle school students participating in high school activities shall have violations accumulate for the number of years they participate in high school activities. Violations for middle school (grades 6-8) shall be for one year. If they are in the process of serving a one-year suspension, they must complete that year of suspension before eligibility will be restored.
    - The suspension period for an activity rules violation begins on the date of the next school activity event in which the student is involved.
    - The following consequences are minimums only. The administration shall determine the actual period of suspension in each individual case. The

administration and coach/activity supervisor may enforce a more severe penalty, which may include termination from activities if the violation warrants it. If the penalty exceeds the minimum for the violation, the reason shall be stated in writing.

### **1. First Violation**

After confirmation of the first violation, the student shall not participate in any school activity event in which the student is a participant for a minimum of 1/8 of the number of regular season events scheduled.

#### **Marijuana and other Drugs**

Any student is ineligible to participate in any extracurricular activity for drug violations for one calendar year from the date of adjudication, conviction, diversion, or suspended imposition of sentence.

### **2. Second Violation**

After confirmation of the second violation, the student shall not participate in any school activity event in which the student is a participant for a minimum of 1/3 of the number of regular season events scheduled.

#### **Marijuana and other Drugs**

After confirmation of the second marijuana or other drug violation, the student shall not participate in any school activity or activity event for the rest of his or her high school career. In the event the second marijuana/other drug violation is not a conviction, adjudication, or the subject of a suspended imposition of sentence, the activity suspension may be reduced if the student and at least one parent completes a drug evaluation and completes an approved drug prevention program.

### **3. Third Violation**

After confirmation of the third or subsequent violations, the student shall not participate in any school activity for twelve calendar months. The student will not be eligible for activity awards during the twelve-month period.

- The administration and coach/activity supervisor may require students who have committed a first or second violation of activity rules to attend practice sessions provided the student is not in-school suspended or out-of-school suspended.
- If a student is under penalty and not allowed to participate in any activity event, that student will not be allowed to dress for that activity event.
- If the violation occurs at school, at a school event, on school property, or while under the supervision of the coach/activity advisor, the District Rules of Student Conduct and Discipline shall also be applied.
- The student must complete the sport in which the suspension period is being served or the entire suspension period shall carry over to the next activity. If a student's suspension carries

over to another activity, the student must complete the activity for the suspension to be fulfilled.

**The following steps must be taken prior to suspending a student from an activity event:**

1. The administration must inform the student of the rule, regulation, or policy that has been allegedly violated.
2. The student will be given an opportunity to answer the charges and present evidence on his or her behalf.
3. The administration shall render a decision as soon as possible after reviewing the case.
4. Upon suspending a student, if possible, the administration shall provide oral notice of the suspension to the student's parents or guardian. The administration shall also provide written notice to the parents or guardians.
5. In the event the student or parents believe the student's rights have been violated, they may appeal the decision within five days to the superintendent. The superintendent has five school days to respond to the appeal. The student will remain ineligible during the appeal process.

**ACADEMIC ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES**

Academic eligibility is based upon the fundamental principle that each student must earn passing marks in the academic curriculum in order to be eligible to participate in the activities curriculum that are sponsored at the secondary level. (SDHSAA - South Dakota High School Activities Association - handbook)

1. Students must maintain a passing grade in each individual class
2. Grades will be checked each Monday to determine eligibility.
3. Each Monday, a list of ineligible students will be emailed to ALL teachers and coaches.
4. Ineligible students are required to participate in school activities.
5. An ineligible student becomes eligible to participate in a school activity event immediately upon earning a passing grade.

**Procedure for administering the academic eligibility program:**

- A letter will be sent home each time a student is determined to be academically ineligible.
- The Athletic Director will contact the Head Coach concerning student-athletes who are on the ineligibility list.
- The Head Coach will contact each affected student individually and that student will be directed to the Athletic Director where the student will sign a sheet outlining the eligibility rules with the grade/eligibility report attached to it.
  - This method will be used to verify the student has been notified of the low grade.



#### **IV-T. AIDS POLICY FOR STUDENTS**

1. The policy applies to all school-age children who are human T-lymphotropic virus type III antibody positive (HTLV-III) or who meet the clinical definitions of AIDS Related Complex (ARC) or AIDS Syndrome (AIDS).
2. "School-age" is defined in this policy to mean children and adolescents placed in legally required educational settings and programs.
3. School-age children with AIDS/ARC or HTLV-III antibody will be allowed to attend the Hamlin School District #28-3 schools, with the written approval of the child's physician, in an unrestricted manner unless the school board documents reasons to exclude the child.
4. One or more of the following conditions may require a more restricted environment or exclusion from school for the infected school-age child:
  - a. The child is not toilet-trained or is incontinent, or otherwise is unable to control drooling.
  - b. The child is unusually physically aggressive, with a documented history of biting or harming others.
  - c. The child has other medical conditions, such as uncoverable oozing sores.
5. The principal shall notify the superintendent of schools when an AIDS infected school-age child exhibits questionable behavior or other medical conditions requiring possible restricted school setting.
6. The South Dakota Secretary of Health has designated an expert Advisory Committee to evaluate each infected child on an on-going basis. The Committee consists of five permanent members, including:
  - a. The State Epidemiologist.
  - b. The Medical Officer for the South Dakota Department of Health.
  - c. A representative from the South Dakota Department of Education and Cultural Affairs.
  - d. A physician with expertise in infectious diseases.
  - e. A physician with expertise in the care of AIDS patients.
  - f. Other members of the committee will be specifically assigned by the State Eavesdrops for each child and may include the child's parent or guardian, personal physician, and relevant employees from the school in which the child is to be enrolled.
7. The superintendent of schools may request an evaluation by the Advisory Committee to evaluate an AIDS/ARC or HTLV-III antibody positive child who exhibits any of the exceptional conditions described. Between the time of referral and the rendering of the evaluation by the Committee, the child may be excluded from school by the superintendent of schools.
8. The State Epidemiologist will chair the Committee and will be responsible for convening the Committee. The Committee's appraisal and recommendation on each child's placement will be based on:
  - a. The child's behavior.
  - b. Neuralgic development.
  - c. Physical condition.
  - d. The expected type of interaction with others in the school setting.

9. The Committee will weigh the risks and benefits to both the infected child and to others.
10. A school-age child with AIDS/ARC or HTLV-III antibody who is recommended by the Committee to not attend school will be provided with an education program as provided by federal and state law.
11. A child infected with AIDS virus may experience immunodeficiency and is at increased risk of experiencing severe complications from such infections as chickenpox, tuberculosis, herpes, and measles. Assessment of the risk to the immunosuppressed child of attending school in an unrestricted setting is best made by the child's parents who are aware of his/her immune status. If outbreaks of chickenpox, measles, or other acute infectious diseases occur in the school, the child may be excluded from school at the request of the parent until the outbreak is over.
12. Information concerning school-age children with AIDS/ARC or HTLV-III antibody shall be kept in strict confidence by school personnel. Only those individuals who are necessary to assure the proper care of the infected child and to detect situations in which the potential for transmission may increase will be informed of the child's condition.
13. The administration shall develop routine procedures for handling spilled body fluids, soiled surfaces, and cleaning equipment.
14. The AIDS education curriculum will include instruction which is intended to impress upon the minds of students the importance of sexual abstinence.

Date Approved December 14, 1992

**IV-U. Student Work Release Policy:**

Students in grade 12 may be excused from attending study halls for the last period of the day providing they meet the following criteria:

- a. have not missed 10 periods of classes for any given course.
- b. is in good academic standing such as receiving no deficiencies and having outstanding coursework.
- c. have turned each week's work schedule to the office.
- d. agricultural jobs must have a note from the employer **and** parent explaining what they are needed for and the period of time.

Students not meeting these criteria or abusing these privileges will not be permitted to utilize this privilege for the remainder of the quarter and disciplinary action may be assigned.

Students will need to report to their study hall supervisor to check out. Any student that has study hall the last two periods may utilize both study halls providing they check out with the 7<sup>th</sup> (G) period study hall supervisor.

Students wishing to utilize this privilege need to fill out the necessary paperwork (parental consent form) and turn it into the office before being permitted to leave the school for dismissal.

Adopted 1-14-02

#### **IV-V. SCHOOL HEALTH GUIDELINES**

We would like to take this opportunity to emphasize some common sense measures concerning illness. Communicable diseases are an especially difficult problem in programs where some of the children are very young and more susceptible to infections. We hope these guidelines will help you as parents to protect your child and his classmates from unnecessary illness.

##### COLDS

The common cold presents the most frequent problem since it's so easily transmitted from child to child. A child with a "heavy" cold and a hacking cough belongs home in bed, even though he/she has no fever.

##### VOMITING AND DIARRHEA

Children with vomiting or diarrhea should be kept home. If your child has vomited or had diarrhea during the night, he/she should be kept home. If your child has diarrhea or vomiting at school, he/she will be sent home.

##### SORE THROATS

A child with a sore throat accompanied by fever should be seen by the family physician. In such cases, throat cultures are recommended. A child with a sore throat and fever should not be sent to school and will be sent home from school if it occurs during school hours.

##### FEVER

A fever is a warning that all is not right with the body. The best way to check for a fever is with a thermometer. A child with a fever over 100 degrees orally or 101 degrees rectally should not be sent to school. If your child has a fever of 100 degrees at school, he/she will be sent home.

##### RASHES

A rash may be the first sign of childhood illness such as chicken pox. A rash or "spots" may cover the entire body or may appear in only one area. Do not send your child to school until your doctor says it's safe to do so. Children with undiagnosed or contagious rashes will be sent home from school.

##### OPEN SORES

Open sores need special attention. Impetigo is one form of a contagious skin infection that requires medical treatment before a child can attend school. Children with suspected impetigo will be sent home.

##### MISCELLANEOUS

A variety of other conditions (head lice, scabies, flu, etc.) may require special health care. When you suspect or know your child has a contagious problem, we would appreciate your sharing that information with us so we can react appropriately. (03/09/98)

Diseases	Incubation Period	Exclusion from School
1. Chicken pox	10-11 days	Until all lesions are crusted. 5-6 days
2. Mumps	16-18 days	Until swelling Subsides. 5-12 days
3. Scarlet fever	2-5 days	Isolate 1 day after antibiotic therapy or until rash is clear.
4. Infectious Mononucleosis	2-8 weeks	Until released by doctor.
5. Infectious Hepatitis	15-45 days	At least one week. May return after this if clinically well and has written permission
6. Strep throat		24-28 hours after starting treatment.
7. Fifth Disease	6-14 days	Keep home until fever is gone.
8. Rashes		Until rash has subsided or a written permission from doctor.
9. Impetigo		May return to school when lesions fully dry.
10. Ringworm		May be in school if under medical treatment.
11. Pink eye		Until no discharge present.
12. Scabies	4-6 weeks	May be in school with permission from doctor.
13. Head lice	Approximately 2 weeks	May be in school after proper treatment.

(03/09/98)

#### **IV-W. CYBER BULLYING POLICY**

##### **Cyber Bullying**

Cyber bullying is a form of harassment over the Internet or other forms of electronic communications, including cell phones. Students and staff will refrain from using communication devices or District property to harass or stalk another. The District's computer network and the Internet, whether accessed at school or away from school, during or after school hours, may not be used for the purpose of cyber bullying. All forms of cyber bullying are unacceptable and viewed as a violation of this policy and the District's acceptable computer use policy and procedures.

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

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

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

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

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

FIRST READING: 9/14/09

ADOPTED: 10/12/09

#### **IV-X. STUDENT DISCIPLINE-BULLYING POLICY**

##### **SECTION 1 – Policy Statement**

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

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

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

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

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

Pursuant to state law:

- A. any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy, is immune from any cause of action for damages arising from failure to remedy the reported incident, and
- B. no cause of action is created against the school district, school district employee, school volunteer, student, or parent unless there has been substantial noncompliance with the school district's policy which results in injury to a person.

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

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

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

## **SECTION 2 – Bullying Defined**

- A. Bullying is an intentional isolated act or pattern of repeated conduct toward another person that is sufficiently severe and offensive to a reasonable person, and
1. has the purpose or effect of creating an intimidating, hostile or offensive school environment for one or more students, parents, employees, guests, visitors, volunteers or vendors, and/or
  2. has the purpose or effect of substantially or unreasonably interfering with a student’s educational opportunities (i.e., academic, co-curricular activities, extra-curricular activities, and social opportunities, etc. within the school environment), employee’s and volunteer’s work environment or performance, or access by parents, guests, visitors or vendors, and/or
  3. places a person in reasonable fear of harm to his or her person or damage to his or her property, and/or
  4. causes physical hurt or psychological distress to a person, and/or
  5. constitutes retaliation against any person for asserting or alleging an act of bullying, and/or
  6. disrupts the orderly operation of a school.
- B. Bullying conduct includes threats, intimidation, physical violence, theft, destruction of property, hazing, stalking (SDCL 22-19A-1), harassment (SDCL 22-19A-4), and threatening or harassing contact by telephone or other communication devices, commonly referred to as cyberbullying (SDCL 49-31-31). Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by the Hamlin School District for conduct determined to meet the definition of bullying in SDCL 13-32-15.
1. Hazing defined: any verbal or physical act or acts done on school property or at a school activity which directed toward another person and done for the purpose of initiation into any group, regardless of whether the group is a school sanctioned organization, when the act or acts causes or may create a reasonable risk of causing mental, emotional or physical harm to the person who is the recipient of the act or acts.
  2. Stalking defined: willfully, maliciously, and repeatedly following or harassing another person; making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
  3. Harass defined: a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.



4. Threatening or harassing contacts by telephone or other electronic communication device defined: using or knowingly permitting a telephone or other electronic communication device under his or her control for any of the following purposes:
  - (1) to contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act,
  - (2) to contact another person with intent to threaten to inflict physical harm or injury to any person or property,
  - (3) to contact another person with intent to extort money or other things of value,
  - (4) to contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection.

### **SECTION 3 – Reporting Procedure**

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

- the date the written complaint was filed
- the school employee receiving the complaint (if applicable),
- the name of the person reporting the bullying,
- the address/phone # of the person reporting the bullying,
- the specific conduct or nature of the bullying complaint including the person(s) alleged to have bullied the complaining party or another person, the date(s) and location where the conduct occurred, witnesses, etc.,
- the date and signature of the person reporting the bullying.

If the signed written complaint was given to a teacher, the teacher shall forward the complaint to the teacher's building principal.

### **SECTION 4 – Procedure for Addressing Bullying Complaints**

#### **STEP 1: Principal.**

Should there be a report which alleges a Hamlin School District student, parent, employee, guest, visitor, volunteer or vendor has been subjected to bullying, an investigation into the alleged bullying 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 shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint.

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

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

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond to the allegation of bullying but is not required to submit a response. Pending the outcome of the investigation the school administrator responsible for conducting the investigation may take such action consistent with school policy and state law as deemed appropriate in order to facilitate the investigation and protect the rights of all persons involved. If there is reasonable suspicion to believe that a person bullied another person while at school or at a school activity on non-school property in violation of this policy, the administration may prohibit that person from being on school property or at school activities.

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

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

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

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

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

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

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

If either party is not satisfied with the 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 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 Principal's 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 bullying complaint:

1. Upon receipt by the Board President/Chairperson of an appeal by the Complainant, a copy of the appeal shall be given to the person alleged to have violated the bullying policy.
2. Upon receipt of an appeal, the Board shall at its next meeting schedule a date, time and location for the appeal hearing.
3. The following procedure shall be applicable at the appeal hearing before the Board:
  - A. The Board shall appoint a board member or a person who is not an employee of the school district as the hearing officer;
  - B. Within thirty (30) calendar days of an appeal being filed with the Board, the Board shall conduct a hearing in executive session;
  - C. The Complainant, person alleged to have violated the bullying policy, and Superintendent each have the right to be represented at the hearing;
  - D. The Board shall make a verbatim record of the hearing by means of an electronic or mechanical device or by court reporter. This record and any exhibits must be sealed and must remain with the hearing officer until the appeal process has been completed;
  - E. The issue on appeal is whether the 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 Principal and the Superintendent will receive copies after the Findings of Fact, Conclusions of Law and Decision are approved by the Board.
- N. Following the Board hearing, should the Board determine there has been a violation of this policy prohibiting bullying, Board action may include but is not limited to the following: (1) suspend or expel a student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities; (2) pursuant to statute, reprimand, suspend without pay, or terminate the contract of an employee, or (3) prohibit a person from being on school property or at school activities for such time as may be determined by the Board.
- O. If either party is dissatisfied with the Board's decision, that party may appeal the decision by filing an appeal to circuit court pursuant to SDCL 13-46-1.

**Notes:**

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

ADOPTED: 2/12/24

**IV-Z. RIGHTS OF HOMELESS STUDENTS POLICY**

Enrollment, Transportation, School of Origin, and the Elimination of Barriers for Children or Youth Experiencing Homelessness including Unaccompanied Youth

The Hamlin School District shall implement *the McKinney-Vento Homeless Education Assistance Act* to ensure that children and youth in transition are provided with equal access to the same free, appropriate public education, including a public preschool education as provided to other children and youths in the district. Children and youths in transition shall have equal opportunity to meet state and district academic achievement standards, and are free from discrimination, segregation and harassment. By doing this, it is the intent of the Hamlin School District to ensure the elimination of stigmatization or segregated services and the elimination of other identified barriers for homeless children and youth.

The Hamlin School District's Policy is to ensure the immediate enrollment of children or youth experiencing homelessness until all enrollment records may be

secured. This includes records such as academic records, medical records, proof of residency, or other documentation. It is also the policy of the Hamlin School District to keep a child or youth experiencing homelessness in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.

The Hamlin School District's intent is to provide children or youth experiencing homelessness with services comparable to services offered to other students in the school district. Thus, services offered to other students would be offered to students experiencing homelessness. Those services would include such things as transportation services, vocational and technical education, gifted and talented programs, and school nutrition programs. It would also include educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the *Elementary and Secondary Education Act of 1965* or similar state or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency. Information regarding this policy will be distributed to all students upon enrollment. The information will be available in the district office, as well as other places where children, youth, and families in transition receive services, including family and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments, health departments, and other social service agencies.

Adopted 7/11/11

#### **IV-AA. EARLY GRADUATION POLICY**

Students at Hamlin High School are encouraged to remain in school for the full four academic years. However, students who choose to consider early graduation would need to meet the following criteria:

1. Students must attend 7 semesters of high school
2. Students must have attended Hamlin High School for five consecutive semesters.
3. Students must have a 2.70 GPA or higher to be considered for early graduation.
4. The students must submit a letter of application for early graduation to the secondary principal by February 1<sup>st</sup> of their sophomore year stating the reason for a need to graduate early.
5. Students must complete an audit of course requirements with the principal and counselor to ensure that enough credits exist for early graduation.
6. Students must arrange a conference with their parents/guardians and the principal Prior to March 1<sup>st</sup> of their sophomore year.
7. Students must complete all required coursework during the first semester of their senior year.
8. A final determination for approval or denial of an early graduation request will be made by the Hamlin School Board at the March School Board Meetings of your sophomore school year.
9. Early graduation students will not participate in the spring graduation ceremony.
10. Once completing the requirements for early graduation, the students will not be eligible to participate in any school sponsored activities.

ADOPTED MAY 13, 2013

#### IV-BB

##### EPINEPHRINE AUTO-INJECTORS

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

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

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

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

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

Adopted 11/12/2014

#### IV-CC

### PARTICIPATION OF ALTERNATIVE INSTRUCTION

In order to meet individual student needs, the Hamlin School District desires to provide flexibility in the completion of prescribed courses in accordance with the law by encouraging all students to complete their high school education. The Hamlin Board of Education provides students with the opportunity to enroll in online courses that are approved by the South Dakota Department of Education under the following conditions:

- 1) For the purposes of grade remediation. For example, a student who receives a grade of 'D' or 'F' may choose to take an online course to demonstrate his/her improvement in the class for purposes of college admission or graduation. If approval is granted for a student to take an alternative instruction class for remediation, the grade received for the online course will be placed on the student's transcript along with the student's original course grade. The student must have approval from the Hamlin High School Principal and Counselor prior to enrollment in the course in order to take an online course for remediation. The student is responsible for any tuition and additional costs such as labs or books that may occur through enrollment in this course.
- 2) For the purposes of program acceleration. If a student has a strong interest in a class not required for high school graduation, which may not be offered in the Hamlin schedule, he or she may choose to take an online course through an approved delivery system. The student must have approval from the Hamlin High School Principal and Counselor prior to enrollment in the course, in order to take an alternative instruction course for this purpose. Students must have a "B" average and have no attendance violations to be considered by principal. The student is responsible for any tuition and additional costs such as labs or books that may occur through enrollment in this course.
- 3) Dual credit courses with a college or tech school. If a student is admitted into a Department of Education approved dual credit course, the student must have prior approval of the Hamlin High School Principal and Counselor prior to receiving credit. Students are responsible for submitting transcripts for their college course to the school district in order to have the class included on their transcript and their grades are subject to review by the High School Principal on demand. The student is responsible for any tuition and additional costs such as labs or books that may occur through enrollment in this course.

Adopted August 13, 2018

#### IV-DD

### RESTRAINT AND SECLUSION

**SDCL 13-32-1** provides legal authority and a responsibility for the Hamlin School District to limit the use of restraint and seclusion in its educational programs.

#### A. Prohibited Restraint and Seclusion

Hamlin School District employees will not use prone restraint on students, except when doing so is necessary and reasonable and moderate in degree. (Prone restraint is defined as physical pressure applied to any part of the student's body to keep the student in a face-down position on the floor or other surface.)

Hamlin School District employees will not leave students alone, when they have been involuntarily confined to a room, unless there is a clear and present danger.

#### B. Notification

Following any incident requiring restraint or seclusion of a student, the Hamlin School District employee involved must notify the parent or guardian of the student who was affected.

Adopted August 13, 2018

## **IV-EE**

### **Administration of Medical Cannabis to Qualifying Students**

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

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

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

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

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

### **Definitions**

The following definitions apply for purposes of this policy:

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon school



property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.

2. "Permissible form of medical cannabis" means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical cannabis to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Smoking or vaping medical cannabis is strictly prohibited and is not a permissible form of medical cannabis for students in a school setting under any circumstances.
3. "Designated caregiver" means the qualifying student's parent, guardian or other responsible adult over twenty-one years of age who is the qualifying student's registered designated caregiver and who has a caregiver's card approved by the South Dakota Department of Health. In no event shall another student be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying student. Any designated caregiver seeking access to school property or school-sponsored activity for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to school and all other applicable policies.
4. "School property" means any school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for the school district's functions.
5. "Qualifying student" means a student who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.
6. "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

**Permissible administration of medical cannabis to a qualifying student**

A qualifying student's designated caregiver may administer a permissible form

of medical cannabis to a qualifying student in a designated location if all of the following parameters are met:

1. The qualifying student's parent/guardian provides the following to the school before the administration of medical cannabis is allowed on school property or at a school-sponsored activity and thereafter at the beginning of each school year and at any time when the qualifying student's administration of medical cannabis changes:
  - a. The qualifying student's valid registry identification card from the State of South Dakota Department of Health or nonresident card with the State of South Dakota Department of Health's confirmation of registration authorizing the student to receive medical cannabis;
  - b. The completed and signed Form IAFA-E(1) (Medical Cannabis Administration Plan);
  - c. The designated caregiver(s) card approved by the State of South Dakota Department of Health; and
  - d. Written certification dated and signed by the student's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between dosages.
2. The qualifying student's parent/guardian provides written notice to the school within ten (10) days of any of the following:
  - a. Change in a designated caregiver;
  - b. The student ceases to have a debilitating medical condition, as that term is defined in South Dakota law; or
  - c. The registry identification card is void, expired or revoked.
3. In the event that a new registry identification card is issued, the qualifying student's parent/guardian provides the new card to the school district within ten (10) days of the issuance of the card;
4. The qualifying student's parent/guardian signs the written acknowledgement in Form IAFA-E(1) (Medical Cannabis Administration Plan) assuming all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis under state law, and releases the district from liability for any claim or injury that occurs pursuant to this policy;
5. The qualifying student's parent/guardian or designated caregiver shall be responsible for providing the permissible form of medical cannabis to be

administered to the qualifying student, shall transport it in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and shall not at any given time possess on school property an amount of medical cannabis that exceeds the qualifying student's prescribed daily dosage;

6. The district will determine the location and the method of administration of a permissible form of medical cannabis so to not create risk of disruption to the educational environment or exposure to other students;
7. After administering the permissible form of medical cannabis to the qualifying student, the student's designated caregiver shall remove any remaining medical cannabis from the school property or school-sponsored activity;
8. The written dated and signed plan contained in Form IAFA-E(1) (Medical Cannabis Administration Plan) is prepared that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualifying student.

**Additional parameters**

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

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

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

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

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

Permission to administer medical cannabis to a qualifying student may be limited or revoked if the qualifying student and/or the student's parent/guardian or other designated caregiver violates this policy or

demonstrates an inability to responsibly follow this policy's parameters.

No student is permitted to possess or self-administer medical cannabis.

Qualifying students with a valid registry identification card who possess or self-administer cannabis may be subject to discipline just as any other student without a valid registry identification card would be. Student possession, use, distribution, sale or being under the influence of cannabis inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

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

Adopted: 9/13/2021