

**Policy**  
**CONTESTED HEARINGS**

**Descriptor Code: AGA**

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The Board may be required to assume a judicial role to ensure adherence to district policy. All contested matters will be heard in a fair and impartial manner, and the Board will resolve all disputes. All contested hearings shall adhere to the procedures outlined in this policy.

**HEARING**

- Hearings involving personnel and students are closed to the public.
- Requests for hearings to be conducted in open session will be considered by the Board.
- A verbatim record of the hearing will be made.
- Closed hearing records will be sealed pending a determination of the board.

**CONDUCT OF THE HEARING**

- The Board shall appoint a school board member or a person who is not an employee of the school district as the hearing officer.
- Each party may be represented by an attorney.
- Each party may make an opening statement.
- The complainant or petitioner shall present its case first.

**WITNESSES**

- All witnesses must take an oath or affirmation of truth.
- Witnesses may be present only when testifying.
- Each party may present, examine and cross-examine witnesses.
- The hearing officer may ask questions of witnesses and may allow other school board members to question witnesses.

**EVIDENCE**

- Each party may introduce evidence.
- All relevant evidence must be admitted.
- Unproductive or repetitious evidence may be limited by the hearing officer.
- Each party may raise objections. The basis for the objection must be stated.
- Each party may make a closing statement.

**DELIBERATION**

- After the hearing, the school board shall continue to meet in executive session for deliberation.

- No one other than the hearing officer may meet with the school board during deliberation.
- The school board may seek advice during deliberation from its legal counsel.
- Consultation with any other person during deliberation may occur only if representatives of the parties are present.

**DECISION**

- The decision of the Board must be based solely on the evidence presented at the hearing and must be effected by a motion made in open session.
- For closed hearings the motion must omit the names of the parties.
- The Board shall notify the parties in writing of its decision.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 12/1/2011

**Policy**  
**SCHOOL BOARD POWERS AND DUTIES**

**Descriptor Code: BBA**

Under the laws of South Dakota, the School Board acts as the governing body of the public schools with full powers of direction and control. The Board derives its authority from the state legislature and will function within the framework of state and federal laws and regulations, court decisions and attorney general opinions.

Recognizing the authority of the state, the Board considers the following its general functions:

1. To select and employ a Superintendent of schools and support him or her in the discharge of his or her responsibilities.
2. To formulate and enact policy and to delegate the application of policies to the Superintendent and his staff, who will be held responsible for the effective administration and supervision of the entire school system.
3. To provide for the planning, expansion, improvement, financing, construction and maintenance of the physical plant of the school system.
4. To establish and maintain records, accounts, archives, management methods and procedures incidental to the conduct of school business.
5. To approve the budget, financial reports, audits, major expenditures, payment of obligations and policies that enable the administration to formulate regulations and other guides for the orderly accomplishment of business.
6. To estimate and levy taxes for the operation, support, maintenance, improvement and extension of the school system.
7. To adopt courses of study, and provide instructional materials.
8. To employ support and certificated personnel to carry out school programs, and provide fair and equitable compensation.
9. To evaluate the educational program to determine the effectiveness with which the schools are achieving the educational purpose of the school system.
10. To provide for the dissemination of school district information to the public and maintain open lines of communication with the community.

*Notes: SDCL 13-10-2 - generally, but powers and duties of school boards established throughout Title 13.*

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**Policy**  
**BOARD MEMBER RESIGNATION/REMOVAL**  
**FROM OFFICE**

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**Descriptor Code: BBC**

According to the provisions of state law, a vacancy occurs on the School Board when an incumbent:

1. Dies;
2. Is removed from office;
3. Fails to qualify as provided by law;
4. Ceases to be a resident of the district, or representation area, where elected;
5. Is convicted of an infamous crime or of any offense involving a violation of the official oath of office;
6. Has a judgment obtained against him for breach of official bond;
7. Becomes incapable of attending to the duties of a board member;
8. Assumes the duties of an office incompatible with the duties of the board member;
9. Resigns and a successor is appointed and qualified as prescribed by law.

The resigning member will continue to serve in his or her official capacity as a Board member until the successor is appointed and qualified as prescribed by law.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 1/1/2007

**Policy**  
**BOARD MEMBER AUTHORITY**

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**Descriptor Code: BBA**

The powers delegated to a School Board by the state are delegated to the Board as a whole. No authority is granted Board members acting as individuals.

The Board exercises its powers and duties only in properly called meetings, where a majority of the Board constitutes a quorum to transact business. Except when performing a specific duty as ordered by the Board, the decision and actions of a single member of the Board are not binding on the entire Board.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 1/1/2007

**Policy**  
**BOARD MEMBER OATH OF OFFICE**

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**Descriptor Code: BBBB**

Before taking office, all Board members will take an oath of office as required by law. Newly elected members will take and subscribe to the oath on the second Monday in July at the annual meeting, at which time they also assume their duties of office. Appointed members will take and subscribe the oath at the meeting following their appointment. All oaths will be filed in the office of the business manager.

*Notes: The district may want to include as an exhibit, under code BBBB-E, the oath of office or a swearing-in pledge, as follows this policy statement.*

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 1/1/2007

<b>Associated School Boards of South Dakota</b>	<b>NEPN Code: BBBB-E(1)</b>
<b>Policy Reference Manual</b>	

**BOARD MEMBER OATH OF OFFICE FORM**

Do you solemnly swear, or affirm, that you will support the Constitution of the United States and the Constitution of the State of South Dakota; and that you will faithfully and impartially perform your duties as a member of the School Board of \_\_\_\_\_ School District, \_\_\_\_\_ County, South Dakota, to the best of your ability, and in accordance with the laws now in effect and hereafter to be enacted, during your continuance in said office, and until your successor is elected and qualified? (The answer is: "I do.")

\_\_\_\_\_  
Board Member's Signature

The following additional ceremony may be used:

I SWEAR THAT:

1. I will observe and enforce state laws and regulations pertaining to education.
2. I will accept office as a board member as a means of unselfish service.
3. I will transact school business only in regular sessions.
4. I will represent the entire community without fear or favor.
5. I will remember at all times that I am one of a team.
6. I will accept all board decisions once they are made and assist in carrying them out effectively.
7. I will delegate action to the chief school administrator as the board executive and to confine board action to policymaking, planning and appraisal.
8. I will employ only competent, trained personnel and these only on the recommendation of the chief school administrator.
9. I will preserve the right and obligation of teachers to teach controversial issues fairly and without bias.

Adopted: 1/1/2007  
Revised: 9/1/2012  
Reviewed: 6/14/2012

*ASBSD sample exhibits are intended to be a guide for school districts. As is the case with any exhibit, a local school district's unique circumstances, challenges and opportunities need to be considered.*



**Policy**  
**BOARD MEETING AGENDAS AND FORMAT**

**Descriptor Code: BDDDB**

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The school board is committed to conducting the public's business in public and providing community members an opportunity to observe and participate in school board meetings. In keeping with those commitments, and to provide for the orderly conduct of the district's business, the business manager and superintendent will prepare board meeting agendas that outline matters to be brought to the school board's attention at meetings.

The district will attempt to accommodate anyone who may request to have an item placed on a board meeting agenda, provided the request is reasonable, timely and made in a manner consistent with board policy and board meeting procedures. Each agenda will reflect that the board reserves suitable time at each meeting to allow citizens to address the board.

The board will follow the order of business established by the agenda unless the order is altered or items amended by a vote of the board.

**CONSENT AGENDA**

To encourage efficiency during school board meetings, the school board may elect to use a consent agenda for items which usually do not require discussion or explanation. A consent agenda allows the board to consider and vote on certain items as a group with a single motion.

Any school board member may request to remove any item from the consent agenda. The request does not require a second or a vote by the school board. An item removed from the consent agenda will be discussed and acted upon immediately following the consideration of the consent agenda.

**AGENDA FORMAT**

At regular meetings, the following will be the customary order of business however the particular order may vary from meeting to meeting in keeping with the business at hand:

1. Call to order.
2. Roll call.
3. Establishment of a quorum.
4. Approval of minutes.
5. Consideration of claims (*a possible consent agenda item*).
6. Financial report.
7. Hearing of delegations.
8. Written petitions and communications.
9. Special committee reports.
10. Superintendent's report.

11. Policies.
12. Unfinished business.
13. New business.
14. Adjournment.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 9/1/2010

**Policy**  
**AGENDA PREPARATION AND**  
**DISSEMINATION**

**Descriptor Code: BDDC**

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The agenda for all meetings of the Board will be prepared by the Business Manager and/or Superintendent.

Items of business may be suggested by any Board member, staff member or citizen of the district. The agenda, however, will always allow suitable time for the remarks of the public who wish to speak briefly before the Board.

The Board will follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board agrees to consider the item. The Board, however, may not revise Board policies, or adopt new ones, unless such action has been scheduled.

The agenda, together with supporting materials, will be distributed to Board members at least 24 hours prior to the Board meeting to permit them time to give items of business careful consideration. The Board shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any meeting, by posting a copy of the notice, visible to the public, at the building in which the Superintendent's office is located. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the public body's website upon dissemination of the notice, if such a website exists. For special or rescheduled meetings, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice.

**Policy**  
**GUIDANCE PROGRAM**

**Descriptor Code: IJ**

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A guidance program will be incorporated into the curriculum to aid students in making informed and responsible decisions and in using effective decision making process.

The major objective of the guidance program is to help each child make the best of his or her educational opportunities toward a normal, useful, and happy life.

The program will be directed toward the growth and improvement of all pupils in the school, recognizing, however, that some pupils are in greater need of individual guidance than others.

The program will attempt to provide for each pupil a sense of belonging, self-respect, emotional security, achievement and recognition. It will help students develop an appreciation and understanding of the world in which they live by providing a classroom and school environment in which effective learning and good behavior takes place.

A positive program of correction and prevention of antisocial behavior of students will be provided and will provide a sense of responsibility and self-respect in students.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 1/5/2012

**Policy**  
**LOANING OF TEXTBOOKS**

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**Descriptor Code: JNA**

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

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

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

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 4/26/2012

**Policy**  
**PUBLIC'S RIGHT TO KNOW**

**Descriptor Code: KBA**

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The Board is a public servant, and its meetings and records will be a matter of public information except as such meetings and records pertain to individual personnel and other classified matters.

The Board supports the right of the people to know about the programs and services of their schools and will make every effort to disseminate information. All requests for information will be acted on fairly, completely, and expeditiously.

The official minutes of the Board, its written policies and regulations, and its financial records will be open for inspection at the office of the Superintendent by any citizen desiring to examine them during hours when the office is open. No records pertaining to individual students or staff members will be released by the Superintendent or other persons responsible for the custody of confidential files for inspection by the public or unauthorized persons. The exception to this will be information about an individual employee (or student) that has been authorized in writing for release by the employee (or student, or student's parent).

Each building administrator is authorized to use all means available to keep parents and others in the particular school's community informed about the school's program and activities.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 3/1/2012

**Policy**  
**PUBLIC CONDUCT ON SCHOOL PROPERTY**

**Descriptor Code: KGB**

Although the Board welcomes the use of its facilities for public events, and public visitations to the schools, the Board expects all visitors to abide by acceptable rules of conduct. To maintain public order on school property, the Board prohibits the following conduct or acts on school property by students, teachers, staff members, licensees or invitees:

1. The willful physical injury of any person or the threat to use force which would result in such injury.
2. The harassment or coercion of any person;
3. The willful damage to, or destruction of, property;
4. The willful disruption of the orderly conduct of classes or of any other school program or activity;
5. The entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the district or to attend an activity or function authorized thereby;
6. The willful interference with the lawful and authorized activities of others;
7. The possession, consumption, or exchange of alcoholic beverages, unauthorized drugs, or narcotics on school property;
8. The possession or use of a knife, razor, ice pick, explosives, loaded cane, sword cane, machete, pistol, rifle, shot gun, pellet gun, air gun, or any other object that reasonably can be considered a weapon, on property of the school district;
9. The violation of any federal or state statute, local ordinance, or Board policy;
10. The refusal or failure of any person to comply with a lawful order or direction of an official of the school district in the performance of his or her duties;
11. The distribution or posting of any written material, pamphlets, or posters without the prior written approval of the Superintendent.

**ENFORCEMENT AND PENALTIES**

Any violation of the above shall be reported immediately to the building principal. The principal will investigate the case thoroughly and make a written report to the Superintendent.

Penalties that may be imposed by the principal and/or the Superintendent include:

1. A reprimand;
2. An order by violators to leave school property immediately;
3. A call to police and a specified charge made under the penal code.

**OTHER PENALTIES**

The penalties mentioned above are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 3/1/2012



**Policy**  
**VISITORS TO THE SCHOOLS**

**Descriptor Code: KK**

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The Board and staff of the school district, welcome members of the community, and other interested persons to visit the district schools. School improvements often come from suggestions originating in such visits.

The Superintendent will encourage visitors to observe our schools; provide for appropriate hospitality for visitors; channel expressions of approval as well as constructive criticism to the Board; ensure that such visits will enhance the effect of the educational program.

All visitors must report to the school office and receive the principal's permission to be on the school grounds. Any person on school property who has not registered with the school office will be requested to report to the principal's office for permission to remain. Any request to be on school property for any purpose deemed by the school principal or his assistant to be disruptive of the educational process will be denied permission to remain.

If a visitor refuses to leave the school grounds, creates any disturbance, or attempts to disrupt the educational process, the principal is directed to request aid from the local law enforcement agency.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 3/1/2012

**Policy**  
**STUDENT TEACHERS**

**Descriptor Code: LAA**

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43017

The Board endorses participation in undergraduate student teaching programs with colleges and universities for the purpose of training competent future teachers. The Superintendent is encouraged to cooperate with teacher preparatory institutions in placement of student teachers within the school system. In accepting and placing student teachers, the Superintendent shall consider local school needs including qualifications and interests of available cooperating teachers. Student teachers will be accepted on a limited basis and placed according to availability of competent cooperating teachers.

The Board authorizes the Superintendent to approve all prospective student teachers. A criminal background check will be completed.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 1/10/2013

**Policy**  
**COOPERATIVE EDUCATIONAL PROGRAMS**

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**Descriptor Code: LBB**

In accordance with law, the Board may establish a cooperative educational service unit with one or more school districts. This unit will be considered a legal entity, which may carry out the services of the cooperative agreement, but which will have no authority to levy taxes or issue bonds.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 4/26/2012