



LOGOUT



Elkton School District

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PREVIOUS

NEXT

Type: Policy

Descriptor Code: BDDC

Title: **AGENDA PREPARATION AND DISSEMINATION**

Status: ADOPTED



The proposed agenda for all meetings of the Board will be prepared by the ^{Business Mgt} Superintendent in consultation with the ^{Superintendent} Board President.

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 proposed agenda may be discussed and acted upon only if a majority of the Board agrees to consider the item at the time the Board members approve an amended agenda at the time of agenda adoption. The Board, however, may not revise Board policies, or adopt new ones, unless such action has been scheduled.

The proposed 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.

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

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Associated School Boards of South Dakota

Last Revised Date: 2/13/2018
Original Adopted Date: 1/1/2007
Last Reviewed Date: 6/14/2012

Policy References: Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

State Reference	Description
SDCL 1-25-1.1	Notice of meetings of public bodies
SDCL 1-27-1.16	Material relating to open meeting agenda item to be available

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BE IT RESOLVED that in order to comply with SDCL 1-25-1, as amended by HB 1172 (2018 legislative session), which states “the chair of the public body shall reserve at every official meeting by the public body a period for public comment, limited at the chair’s discretion, but not so limited as to provide for no public comment,” and also provide for a known procedure by which there may be public participation at school board meetings, the President/Chairperson of the Elkton School District Board of Education shall apply and follow school board policy X with respect to public participation at all school board meetings.”



Type:	Policy
Descriptor Code:	EH
Title:	SERVICE ANIMALS AT SCHOOL
Status:	ADOPTED



The following rules shall govern the use of service animals by persons in the schools.

A. General Conditions

1. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in school.

A "service animal trainer" is any person who is employed by or volunteers for an organization generally recognized by agencies involved in assisting persons with disabilities as reputable and competent to provide service animals with training, and who is actively involved in the training process.
2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.
3. "Service animal" is a dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, except miniature horses, are not service animals for purposes of this definition.
 - a. The work or tasks performed by a service animal must be directly related to the individual's disability. Under state and federal law, work and tasks may include, but are not limited to: (1) assisting individuals who are blind or have low vision with navigation and other tasks; (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds; (3) providing nonviolent protection or rescue work; (4) pulling a wheelchair; (5) assisting an individual during a seizure; (6) alerting individuals to the presence of allergens; (7) retrieving items such as medicine or a telephone; (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities; (9) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
 - b. Tasks performed by psychiatric service animals may include reminding individuals to take medicine, providing safety checks or room searches for individuals with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.
 - c. The crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of the Title II.
 - d. The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider (i) the type, size, and weight of the miniature horse and whether the facility can accommodate these features; (ii) whether the handler has sufficient control of the miniature horse; (iii) whether the miniature horse is housebroken; and (iv) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. This entire policy, and all federal and state laws which apply to service animals, shall also apply to miniature horses.
4. The District is not responsible for the care or supervision of a service animal and will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. A service animal shall be under the control of its handler. All service animals must be kept on a harness, leash or tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
6. The individual (in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal, consistent with any applicable laws.
7. Individuals with disabilities shall be permitted to be accompanied by their service animals on all property owned or leased by the school district where members of the public, participants in services, programs or activities, or invitees are allowed to go, subject to Section C.1 below.

B. Administrative Review of Service Animals

1. Whenever a service animal is in the school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g. guide dog for a blind person), a building administrator or other authorized school official may ask:
 - a. Whether the service animal is required because of a disability;
 - b. What work or task(s) the animal has been trained to perform:

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Associated School Boards of South Dakota	NEPN Code: EH
Sample Policy	

SERVICE ANIMALS AT SCHOOL

The following rules shall govern the use of service animals by persons in the schools.

A. General Conditions

1. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in school.

A "service animal trainer" is any person who is employed by or volunteers for an organization generally recognized by agencies involved in assisting persons with disabilities as reputable and competent to provide service animals with training, and who is actively involved in the training process.

2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.
3. "Service animal" is a dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, except miniature horses, are not service animals for purposes of this definition.
 - a. The work or tasks performed by a service animal must be directly related to the individual's disability. Under state and federal law, work and tasks may include, but are not limited to: (1) assisting individuals who are blind or have low vision with navigation and other tasks; (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds; (3) providing nonviolent protection or rescue work; (4) pulling a wheelchair; (5) assisting an individual during a seizure; (6) alerting individuals to the presence of allergens; (7) retrieving items such as medicine or a telephone; (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities; (9) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
 - b. Tasks performed by psychiatric service animals may include reminding individuals to take medicine, providing safety checks or room searches for individuals with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.
 - c. The crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of the Title II.

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- d. The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider (i) the type, size, and weight of the miniature horse and whether the facility can accommodate these features; (ii) whether the handler has sufficient control of the miniature horse; (iii) whether the miniature horse is housebroken; and (iv) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. This entire policy, and all federal and state laws which apply to service animals, shall also apply to miniature horses.
4. The District is not responsible for the care or supervision of a service animal and will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. A service animal shall be under the control of its handler. All service animals must be kept on a harness, leash or tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
6. The individual (in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal, consistent with any applicable laws.
7. Individuals with disabilities shall be permitted to be accompanied by their service animals on all property owned or leased by the school district where members of the public, participants in services, programs or activities, or invitees are allowed to go, subject to Section C. 1.

B. Administrative Review of Service Animals

1. Whenever a service animal is in the school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g, guide dog for a blind person), a building administrator or other authorized school official may ask:
 - a. Whether the service animal is required because of a disability;
 - b. What work or task(s) the animal has been trained to perform;

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- c. In the case of a service animal trainer, documentation of the individual's affiliation with a recognized organization as described in Section A.1 above.
2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer, service animal trainer or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are strongly encouraged to notify the building administrator in advance.
3. The school shall not provide staff support to care for or control a service animal, but may provide support to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve him/herself).
4. Service animals must be properly licensed and vaccinated in accordance with State law.

C. Removal or Exclusion of Service Animals from School

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:
 - a. The service animal; is out of control and the animal's handler does not take effective action to control it; or
 - b. The animal is not housebroken.
 - c. If the animal's presence would require a fundamental alteration to the school's service, program, or activity.
 - d. The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform (which is required to be defined as a service animal); and/or
 - e. The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health (applying the standard that would be applied to any other animal allowed on school premises).
2. If a service animal is removed or excluded, the individual with a disability shall still be provided the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Legal References: CFR Title 28 §35.136 (Service animals)

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Cross References: AC: Nondiscrimination In Federal Programs
AC-E(1): Complaint Report Form
AC-E(2): Complaint Appeal to the Superintendent
AC-E(3): Complaint Appeal to the School Board

Adopted: 2/13/2018
Revised:
Reviewed:

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Associated School Boards of South Dakota	NEPN Code: EH-E(1)
Sample Exhibit	

**SERVICE ANIMALS AT SCHOOL
INFORMATIONAL SHEET (NOT REQUIRED)**

Date: _____

Handler's Name: _____

Child's Guardian: _____

Building: _____

The following information is requested on a voluntary basis (not required):
If not readily apparent, identify and describe the task or work the service animal has been trained to perform as it relates to the staff or the student's disability.

Type of Service Animal:

Dog Other: _____

Documentation of current vaccinations required under state or local laws is attached.

If not readily apparent the Service Animal is:

Required because of a disability.

Trained to perform certain work or tasks for the person with disabilities.

I have read and understand the school district's Service Animal Policy. I understand that if the service animal is: out of control and/or the animal's handler does not take effective action to control it; or the animal is not housebroken, the School District has the discretion to exclude or remove my service animal from its property. If the service animal is excluded from the premises, the School District will continue to allow the disabled person the opportunity to participate in the service, program or activity without the service animal.

I understand that I am responsible for any and all damage to school district property, personal property, injury to individuals caused by my service animal, to the same extent that other non-disabled persons would be held liable for any such damages.

Owner (Printed)

Administrator (Printed)

Signature

Signature

Date: _____

Date: _____

Note: This Informational Sheet must be updated each school year or whenever a different service animal will be used.

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.

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Adopted: 2/13/2018
Revised:
Reviewed:

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**Type:** Policy**Descriptor Code:** GCBDD**Title:** **MILITARY LEAVE****Status:** ADOPTED

Employees of the District who qualify under the Uniform Employment and Reemployment Rights Act (USERRA) shall receive all leave, benefits and protections afforded by that Act. Employees requesting military leave will provide notice and documentation to the District as required by USERRA. An employee shall be granted military leave for service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and any applicable collective bargaining agreement. A service member who returns to the District for work following a period of active military duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law. Reemployment of a person is excused if an employer's circumstances have changed so that reemployment of the person would be impossible or unreasonable. A reduction-in-force that would have included the person would be an example.

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. All requests for military leave will be submitted to the Superintendent or Superintendent's designee accompanied by copies of the proper documentation showing the necessity for the military leave request.

To qualify for USERRA's protections, a service member must be available to return to work within certain time limits. These time limits for returning to work depend (with the exception of fitness-for-service examinations) on the duration of a person's military service.

1. If the length of service was 30 days or less, the person must report to the District by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period.
2. If the length of service was 31 days to 180 days, an application for reemployment must be submitted to the employer no later than 14 days after completion of a person's service. If submission of a timely application is impossible or unreasonable through no fault of the person, the application must be submitted as soon as possible on the next day when submitting the application becomes possible.
3. If the length of service was 180 days or more, an application for reemployment must be submitted to the employer no later than 90 days after completion of a person's military service.
4. Disability-related service: The reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service. The two-year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable.
5. Unexcused Delay: A person's reemployment rights are not automatically forfeited if the person fails to report to work or to apply for reemployment within the required time limits. In such cases, the person will be subject to the employer's established rules governing unexcused absences.

Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, the individual is required to pay 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. South Dakota Retirement System shall be done pursuant to USERRA and SDRS requirements.

THE DISTRICT SHOULD ELECT ONE OF THE FOLLOWING PAY OPTIONS, OR THE DISTRICT MAY ELECT ANOTHER OPTION.

**** Note: USERRA does not require an employer to pay employment wages while an employee is on military leave. Whether or not to pay wages, and if wages are paid under what circumstances is for the employer to decide. Military leave pay is mandatory subject of collective bargaining with the employee bargaining unit(s).**

[OPTION 1] If military pay is greater than the employee's wages, the employee shall not receive employment wages while on military leave. If daily military pay is less than the employee's regular daily pay, the employee shall be paid the difference by the District up to a maximum of fifteen (15) days. Military leave in excess of fifteen (15) days shall be leave without pay.

[OPTION 2] If military pay is greater than the employee's wages, the employee shall not receive employment wages while on military leave. If daily military pay is less than the employee's regular daily pay, the employee shall be paid the difference by the District.

[OPTION 3] Military leave shall be leave without pay.

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State Reference

SDCL 3-12-86

Federal Reference

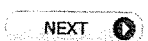
USC Title 38 §4301-4335

Description

Credited service for leave of absence due to military service

Description

Employment and reemployment rights of members of the Uniformed Services



**Type:** Policy**Descriptor Code:** GCBDF**Title:** **NURSING MOTHERS****Status:** ADOPTED

The District recognizes that breastfeeding is the most healthful, natural and economic method of infant nutrition, and it is the policy of the District to support the needs of breastfeeding mothers when they return to work.

1. Maternity leave planning will address the transition from full-time maternity leave to full-time work and the impact that this may have on breastfeeding. Generally, maternity leave is a sufficient time to establish breastfeeding. Factors to consider include a combination of full-time and part time maternity leave, a flexible work schedule to accommodate breastfeeding needs, and break times to use a breast pump at work.
2. Breastfeeding employees are allowed a flexible schedule for nursing or pumping, with the schedule to be determined by the employee and employee's supervisor. The schedule requested by the employee will be approved unless the employee's supervisor has determined, in writing, that the requested schedule would impose an undue hardship by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the school district. Factors to determine when considering the schedule as proposed by the employee include, but are not limited to the following: the time requested would exceed the normal time allowed for lunch, breaks, student responsibilities at the time requested, sick/personal and annual leave, and adjustment of normal work schedule.
3. The District shall provide an appropriate room, other than a bathroom, for an employee to express breast milk where;
 - a. nursing women can nurse an infant brought in during lunch or breaks;
 - b. nursing women can pump breastmilk to be stored for later use. (Each employee is responsible for proper storage of her milk using a personal storage cooler);
 - c. the area for breastfeeding or pumping is located where a crying infant will not be disruptive to other employees;
 - d. accessible electrical outlets for electric breast pump use and a sink close by with a clean, safe water source for hand washing and rinsing out breast pump equipment; and
 - e. a comfortable chair and a table or desk is available for pumping;

Notes:

1. Districts that employ less than 50 employees are not subject to the requirements in (#3) if such requirements would impose an undue hardship by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the District's business.
2. Section 7 of the Fair Labor Standards Act (29 U.S.C. 207) states the following:
 - (r)(1) An employer shall provide-
 - A. a reasonable break time for an employee to express breast milk for her nursing child for 1 year child for 1 year after the child's birth each time such employee has need to express the milk; and
 - B. a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.
 - (2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.
 - (3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.
 - (4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.

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Associated School Boards of South Dakota

Original Adopted Date: 2/13/2018

Policy References: Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.


State Reference

SDCL 25-5-35

Description[Breastfeeding permitted in certain locations](#)**Federal Reference**

USC Title 29 §207(r)(2)

Description[Break time for nursing mothers provision](#)

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Version: 12.0.0.5



HELP 

Associated School Boards of South Dakota	NEPN Code: GCBDF
Sample Policy	

NURSING MOTHERS

The District recognizes that breastfeeding is the most healthful, natural and economic method of infant nutrition and it is the policy of the District to support the needs of breastfeeding mothers when they return to work.

1. Maternity leave planning will address the transition from full-time maternity leave to fulltime work and the impact that this may have on breastfeeding. Generally, maternity leave is a sufficient time to establish breastfeeding. Factors to consider include a combination of full-time and part time maternity leave, a flexible work schedule to accommodate breastfeeding needs, and break times to use a breast pump at work.
2. Breastfeeding employees are allowed a flexible schedule for nursing or pumping, with the schedule to be determined by the employee and employee's supervisor. The schedule requested by the employee will be approved unless the employee's supervisor has determined, in writing, that the requested schedule would impose an undue hardship by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the school district. Factors to determine when considering the schedule as proposed by the employee include, but are not limited to the following: the time requested would exceed the normal time allowed for lunch, breaks, student responsibilities at the time requested, sick/personal and annual leave, and adjustment of normal work schedule.
3. The District shall provide an appropriate room, other than a bathroom, for an employee to express breast milk where;
 - a. nursing women can nurse an infant brought in during lunch or breaks;
 - b. nursing women can pump breastmilk to be stored for later use. (Each employee is responsible for proper storage of her milk using a personal storage cooler);
 - c. the area for breastfeeding or pumping is located where a crying infant will not be disruptive to other employees;
 - d. accessible electrical outlets for electric breast pump use and a sink close by with a clean, safe water source for hand washing and rinsing out breast pump equipment; and
 - e. a comfortable chair and a table or desk is available for pumping;

Notes:

- (1) Districts that employ less than 50 employees are not subject to the requirements in (#3) if such requirements would impose an undue hardship by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the District's business.*

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(2) Section 7 of the Fair Labor Standards Act (29 U.S.C. 207) states the following:

(r)(1) An employer shall provide-

- A. a reasonable break time for an employee to express breast milk for her nursing child for 1 year child for 1 year after the child's birth each time such employee has need to express the milk; and
- B. a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.

Legal References: SDCL 25-5-35 (Breastfeeding permitted in certain locations)
USC Title 29 §207(r)(2) (Break time for nursing mothers provision)

Adopted: 2/13/2018
Revised:
Reviewed:

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PREVIOUS

NEXT

Type: Policy

Descriptor Code: JEAA

Title: **STUDENTS ALTERNATIVE INSTRUCTION**

Status: ADOPTED



Children of compulsory school age must regularly attend some public or non-public school, unless excused from school attendance. Upon filing of a notification with a school official from the parent or guardian of the child because the child is otherwise provided with alternative instruction for an equivalent period of time, as in the public schools, in the basic skills of language arts and mathematics, the child shall be excused, without the necessity of school board action. The secretary of the Department of Education may inspect the attendance records and records showing academic progress of an alternative education program with fourteen days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. Failure to provide instruction is grounds for the school board, upon thirty days' notice, to revoke the excuse from school attendance.

The notification of alternative instruction must be submitted on the SD DOE notification form and filed annually with the school district.

Note: The DOE Form, Public School Exemption Certificate, can be found on the SD DOE website under "Home School".

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Last Revised Date: 2/13/2018
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Policy References: Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

State Reference

- SDCL 13-27-1
- SDCL 13-27-2
- SDCL 13-27-29
- SDCL 13-27-3
- SDCL 13-27-7
- SDCL 13-27-8
- SDCL 13-27-9

Description

- [Responsibility for school attendance](#)
- [Attendance excused by school board](#)
- [Placement of child who has attended unaccredited school or alternative program](#)
- [Child excused if provided alternative instruction](#)
- [Applications for excuse from attendance](#)
- [Appeal on attendance matters to state board](#)
- [Record of certificates of excuse from attendance](#)

Policy Reference

- JEC
- JECAA
- JECB

Description

- [SCHOOL ADMISSIONS](#)
- [STUDENTS ENROLLING FROM ALTERNATIVE INSTRUCTION AND UNACCREDITED SCHOOLS](#)
- [OPEN ENROLLMENT](#)

PREVIOUS

NEXT



**Type:** Policy**Descriptor Code:** JGB**Title:** RESTRAINT AND SECLUSION**Status:** ADOPTED**I. Policy Rationale and Philosophy:**

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

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

II. Definitions:**a. Positive Behavior Interventions and Support:**

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

b. Physical Restraint:

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

c. Seclusion:

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

d. Time Out:

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

III. Requirements for the use of Physical Restraint:

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

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

IV. Prohibited Practices for Use of Restraints:

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

- a. Prone restraint, which is physical pressure applied to any part of the student's body to keep the student in a face down position on the floor or other surface, except when the use is necessary and reasonable in manner and moderate in degree;
- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head, and or neck of the student;



- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
- g. Deprivation of basic needs;
- h. Chemical restraint;
- i. Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- j. Using other students or untrained staff to assist with the hold or restraint;
- k. Securing a student to another student or fixed object;
- l. Aversive behavioral interventions; or
- m. Seclusion in a locked room or area.

V. Requirement for Use of Seclusion:

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

- a. A room or area used for seclusion must:
 - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. not be locked.
- b. Staff must:
 - i. implement in a manner that is age and developmentally appropriate;
 - ii. ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. the least amount of time necessary;
 - iv. be appropriately-trained;
- c. staff must continually observe the student for the duration of the seclusion;
- d. if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;
- e. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- f. upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

VI. Prohibited for Use of Seclusion:

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

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

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

VIII. Training and professional development:

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

IX. District Monitoring:

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

X. Complaint:

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

Associated School Boards of South Dakota	NEPN Code: JGB
Sample Policy	

RESTRAINT AND SECLUSION

I. Policy Rationale and Philosophy:

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

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

II. Definitions:

a. Positive Behavior Interventions and Support:

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

b. Physical Restraint:

- i. The use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.
- ii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
 1. To break up a fight;
 2. To knock a weapon away from a student's possession;

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3. To calm or comfort;
4. To assist a student in completing a task/response if the student does not resist the contact;
5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

c. Seclusion:

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

d. Time out:

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

III. Requirements for the use of Physical Restraint:

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

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained;
- e. continually observe the student in restraint for indications of physical or mental distress;

- f. contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;
- g. remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.

IV. **Prohibited Practices for Use of Restraints:**

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

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

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- k. Securing a student to another student or fixed object;
- l. Aversive behavioral interventions; or
- m. Seclusion in a locked room or area.

V. Requirements for Use of Seclusion:

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

- a. A room or area used for seclusion must:
 - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. not be locked.
- b. Staff must:
 - i. implement in a manner that is age and developmentally appropriate;
 - ii. ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. the least amount of time necessary;
 - iv. be appropriately-trained;
- c. staff must continually observe the student for the duration of the seclusion;
- d. if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted;
- e. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- f. upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.

VI. Prohibited Practices for Use of Seclusion:

- a. Use of seclusion in any environment that does not meet the above criteria.
- b. Deprivation of basic needs;
- c. Seclusion shall not be used;

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- i. As a form of discipline/punishment;
- ii. As a means to coerce, retaliate or in a manner that endangers a student;
- iii. For the convenience of staff;
- iv. As a substitute for an educational program;
- v. As a substitute for less restrictive alternatives;
- vi. As a substitute for inadequate staff; and/or
- vii. As a substitute for positive behavior supports or other crisis prevention.

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

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

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- iii. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

VIII. Training and professional development:

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

IX. District Monitoring:

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

X. Complaint:

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

Notes:

(1) Section VII (a)(ii) and (b)(i) refers to ASBSD sample policy exhibits JGB-E(1):Restraint and Seclusion - Incident Report Form, and JGB-(E2):Restraint and Seclusion - Debriefing Form. Your District may use a different Incident Report Form and Debriefing Form.

(2) Section X. a. and b. refer to ASBSD sample policy KL: Complaint Against School Employee. If your district's Complaint Against School Employee policy is coded differently than KL, your district's policy would be referenced in section X.

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

Legal References: SB 46 (2018)

Cross References: KL: Complaint Against School Employee

Adopted: 4/19/2018
Revised:
Reviewed:

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

Elkton School District 5-3	NEPN Code: JGB – E(1)
School Board Policy Reference Manual	

RESTRAINT AND SECLUSION INCIDENT REPORT FORM

Student Name _____ Date of incident _____

Does this student have a disability? _____ Yes _____ No

If yes, what is the disability? _____

Student ethnicity: _____ Student gender: _____

Teacher/class/grade _____

Staff person(s) initiating restraint; others present/involved:

Staff person(s) initiating seclusion; others present/involved:

Describe the behavior that led to restraint/seclusion, including time, location, activity, others present, other contributing factors:

Procedures used to attempt to de-escalate the student prior to using restraint/seclusion:

Describe the restraint/seclusion:

Duration of time of restraint/seclusion _____

Staff member submitting report _____

Submitted to Administration at _____ time _____ date

1st Reading: 04-14-18

2nd Reading/Adopted:

Elkton School District 5-3	NEPN Code: JGB – E(2)
School Board Policy Reference Manual	

RESTRAINT AND SECLUSION DEBRIEFING FORM

Student: _____

Date of Incident: _____ Date of Debriefing: _____

Present:

NAME	POSITION	SIGNATURE	HAS COMPLETED RESTRAINT TRAINING: (please circle)
			Y N
			Y N
			Y N
			Y N
			Y N
			Y N
			Y N

1. Give a brief description of the circumstances (antecedents) leading up to this incident.
2. Give a summary of the incident.
3. What was the intervention used?
4. What was the outcome?
5. From information gained, what changes (if any) should be made?
6. Has a support plan been initiated? ___ Yes ___ No If yes, who was contacted?
7. If applicable, how will the support plan affect any of the following:
 - Behavior intervention plan (BIP)
 - 504 plan
 - Individualized Education plan (IEP)
 - Does the team need to reconvene?
 - If yes, name of person responsible for notifying the team
 - BIP ___ Yes ___ Date ___ N/A
 - 504 ___ Yes ___ Date ___ N/A
 - IEP ___ Yes ___ Date ___ N/A

1st Reading: 04-14-18
2nd Reading/Adopted:

Associated School Boards of South Dakota	NEPN Code: JGB-E(1)
Sample Exhibit	

**RESTRAINT AND SECLUSION
INCIDENT REPORT FORM**

Student Name _____ Date of incident _____

Does this student have a disability? Yes No

If yes, what is the disability? _____

Student ethnicity: _____ Student gender: _____

Teacher/class/grade _____

Staff person(s) initiating restraint; others present/involved:

Staff person(s) initiating seclusion; others present/involved:

Describe the behavior that led to restraint/seclusion, including time, location, activity, others present, other contributing factors:

Procedures used to attempt to de-escalate the student prior to using restraint/seclusion:

Describe the restraint/seclusion:

Duration of time of restraint/seclusion

Staff member submitting report

Submitted to Administration at _____ time _____ date

Adopted: 4/19/2018 Revised: Reviewed:

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.

Associated School Boards of South Dakota	NEPN Code: JGB-E(2)
Sample Exhibit	

RESTRAINT AND SECLUSION DEBRIEFING FORM

Student: _____ Date of Incident: _____

Date of Debriefing: _____

Present:

Name	Position	Signature	Has the staff completed restraint training?

1. Give a brief description of the circumstances (antecedents) leading up to this incident.
2. Give a summary of the incident.
3. What was the intervention used?
4. What was the outcome?
5. From information gained, what changes (if any) should be made?
6. Has a support plan been initiated? ___Yes ___No
 If yes, who was contacted?
7. If applicable, how will the support plan affect any of the following:
 - Behavior intervention plan (BIP)
 - 504 plan
 - Individualized Education plan (IEP)
 - Does the team need to reconvene?
 If yes, name of person responsible for notifying the team
 BIP ___Yes ___Date ___N/A
 504 ___Yes ___Date ___N/A
 IEP ___Yes ___Date ___N/A

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.

8. Is this a repeated instance of restraint or seclusion, if so, a Functional Behavioral Assessment (FBA) shall be conducted. Has an FBA been initiated? __Yes __No / completed? __Yes __No

NOTE: Process for requesting additional help. (District should insert their specific process to direct teams in next steps for additional help)

9. Additional comments (if any)

Adopted: 4/19/2018

Revised:

Reviewed:

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.

JGB

Seclusion and Restraint

1) The Harrisburg School will notify the parent or guardian of the student, unless the student is emancipated, of an incident requiring the use of restraint or seclusion. This will be done within the school day if school is in session that day.

(2) No employee of the Harrisburg School District will use the method of prone restraint, 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, except when that use is necessary and reasonable in manner and moderate in degree.

(3) No student will be placed in involuntary confinement in a locked room alone unless there is a clear and present danger.



PREVIOUS

NEXT

Type: Policy

Descriptor Code: KMC

Title: **ANNUAL NOTIFICATION TO PARENTS**

Status: ADOPTED



The School Board seeks to keep students, parents and the public informed of their rights and responsibilities. The district will comply with federal law to ensure that annual notices on the following topics are given as required by federal law:

- All notices as required by the Every Student Succeeds Act
- All notices as required by the Family Educational Rights and Privacy Act
- All notices as required by the Protection of Pupil Rights Amendment
- All notices as required by Child Nutrition Programs
- All notices as required by the Asbestos Hazard Emergency Response Act
- All notices as required by the McKinney Vento Act
- All notices as required by Non-Discrimination under Title IX, Section 504, Age Discrimination Act, Title II of the Americans with Disabilities Act and the Boy Scouts of America Equal Access Act.
- All notices as required by the Individuals with Disabilities Education Act

METHOD OF NOTICE

The District shall give the notices in the manner required by federal and state law. Should federal or state law not specify the manner in which notice is to be given, the District may publish the notice in the legal newspaper, post the notice on the District's website, or mail the notice through the U.S. Postal Service. The parent or guardian of any student, or an emancipated student enrolled in the District may opt to receive any notifications or correspondence from the District by electronic mail in lieu of regular mail if the parent, guardian or emancipated student provides to the school an electronic mail address to which the notifications or correspondence are to be sent.

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Associated School Boards of South Dakota

Last Revised Date: 2/13/2018
Original Adopted Date: 6/1/2011
Last Reviewed Date: 3/1/2012

Policy References: Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

State Reference	Description
SDCL 13-1-56	Electronic mail to parent or guardian
Federal Reference	Description
*2017 Annual Notices	Annual Notices Required by Federal Law

PREVIOUS

NEXT