

Policy
FREEDOM OF EXPRESSION

Descriptor Code: GBCBA

Employees have the Constitutional right of freedom of speech to speak on matters of public concern. However, the freedom of speech is limited for public employees when on duty or attending a school function, and also when discussing certain employment and student matters.

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

Date Adopted: 1/1/2007
Last Revised: 12/22/2015
Last Reviewed: 2/7/2013

Policy Reference

GBC

Description

STAFF ETHICS

All district property, including, but not limited to, real estate, buildings, offices, desks, storage areas, lockers, computer systems and equipment, voice-mail, and vehicles, is owned by the district, and is intended for educational purposes, and district business, at all times.

Individuals using district-owned property (system users) shall have no expectation of privacy when using school property. The district reserves the right to monitor, inspect, copy, review and store (at any time and without notice) all usage of district property including computer and computer systems, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed and/or received through district computers and computer systems shall remain the property of the school district.

System users have no right of privacy and should have no expectation of privacy in materials sent, received, or stored in district-owned computers or on the district system or within the physical area of the district. School officials reserved the right to review district system/property use at any time to determine if such use meets the criteria set forth in school board policies and district regulations. Routine maintenance and monitoring of the system and physical plant may lead to the discovery that the user has or is violating district policy or law. Once a problem is discovered, an individual search may be conducted. The search/investigation will be reasonable and will be in keeping with the nature of the alleged misconduct.

Employees or students violating acceptable use of district property, or policy, may be subject to disciplinary action by the Superintendent or designee, depending on the nature of the violation.

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The employee is required to submit, within ten days after first being employed, a certification of health signed by a licensed physician.

The Board may require an employee returning from an extended leave of absence for health reasons to submit a new certification of health. The expense of this examination will be borne by the district.

WORKERS' COMPENSATION

In case of injury while pursuing duties in keeping with the employee's contract, the employee will receive compensation and expenses as prescribed by the worker's compensation law of South Dakota.

Any employee who receives an injury while at work should immediately report this injury to the Superintendent's office and request the necessary forms to make application for payment under this law.

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Policy
STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Descriptor Code: GBG

The Board recognizes that employees of the district have the same fundamental civic responsibilities and privileges as other citizens. Among these are: campaigning for elective public office and holding an elective or appointive public office.

Any employee who intends to campaign for an elective public office will notify the Superintendent, in writing at the earliest possible moment, of the office which he or she intends to seek, together with the decision as to whether he wishes to continue employment and under what terms and conditions.

The Superintendent will meet with and discuss these matters with the employee involved and will present a proposed solution to the Board for consideration. The essential element to be determined by the Board is whether the activities proposed by the employee are compatible with the time requirements for fulfilling the employee's responsibilities to the district.

In connection with his or her campaigning, no employee will use school system facilities, equipment, or supplies; nor will the employee discuss his or her campaign with students or with school personnel during the working day; nor will the employee use any time during the working day for campaigning purposes.

A teacher seeking an extended leave of absence for campaigning, office-holding, or other time-consuming activities connected with government service will apply for such leave in writing. The Board will provide the teacher with a written answer to a request for political leave including salary arrangements.

If not elected, the employee may return to the position previously held.

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The Board believes in the importance of democracy in American society and advocates political participation as an act of self-governance. In this spirit, the Board recognizes the rights of district employees, as private citizens, to be involved in local, state and federal political activities, and encourages politically related material, discussions and projects in the classroom with the intent to teach students about democracy.

For the purpose of educating voters and lawmakers, the Board will also provide information on ballot questions. The Board authorizes the superintendent or superintendent's designee to communicate such information to citizens, media sources, public officials or candidates running for office as the superintendent or designee deems appropriate.

However, the board prohibits the following actions:

1. Use of an official school title to endorse or oppose candidates running for elected office, a political party or a proposition, referendum or issue being voted upon by the electorate;
2. Use of district funds to support or oppose a candidate running for elected office, a political action committee, a political party or a proposition, referendum or other ballot issue;
3. Distribution or posting of material which supports or opposes any candidate, political party or action committee, or proposition, referendum or other ballot issue on school property during school hours; and
4. Use of school facilities by candidates, their representatives, political parties, or political action committees.

SCHOOL AS POLLING PLACE

In the case that a public school building is used as a public polling place, candidates, their representatives, members of a political party or political action committee or citizens acting in support or opposition to a ballot question may hand out literature or speak with prospective voters as long as this is done outside a 100-foot radius of the entrance to the polling place.

Notes: Nothing in this policy shall be construed to prohibit the use of political or issue-oriented materials or topics as part of classroom curriculum. This policy does not extend to elections conducted by students in the schools.

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SUSPENSION WITHOUT PAY AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

Suspension without pay and dismissal of professional staff members is the responsibility of the Board and will conform with the conditions and procedures specified in state law.

An employee may be suspended without pay or an employee’s contract may be terminated at any time, or non-renewed in the case of continuing contract status, for just cause including:

- plain violation of contract;
- gross immorality;
- incompetency or neglect of duty;
- poor performance;
- unprofessional conduct;
- insubordination;
- violation of any policy or regulation of the school district;
- neglect.

The Superintendent will give notice of the intent to recommend suspension without pay or termination. The notice must specify the grounds for the recommendation, and inform the right to request a hearing.

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Associated School Boards of South Dakota

Date Adopted: 2/9/2012
Last Revised: 4/13/2016
Last Reviewed: 2/7/2013

Policy Reference

GCPDA
AGA

Description

PROFESSIONAL STAFF MEMBER ADMINISTRATIVE LEAVE WITH PAY
CONTESTED HEARINGS

Policy

**Descriptor Code:
GCPDA**

PROFESSIONAL STAFF MEMBER ADMINISTRATIVE LEAVE WITH PAY

The placement of a professional staff member on administrative leave with pay will be governed by the applicable collective bargaining agreement. In the absence of an applicable collective bargaining agreement provision, this policy will apply.

When there is reasonable cause to suspect employee breach of contract, poor performance, incompetency, gross immorality, unprofessional conduct, insubordination, neglect of duty, or the violation of any policy or regulation of the school district, the employee may be placed on paid administrative leave by the superintendent. Placement on paid administrative leave is for the purpose of stabilizing the situation and shall not constitute disciplinary action taken by the employer. While on paid administrative leave the employee will be temporarily disengaged from their responsibilities until the matter which resulted in the placement on paid administrative leave is concluded. An employee on paid administrative leave shall continue to receive all benefits of employment. The employee on paid administrative leave may subsequently be reinstated to his/her responsibilities or be notified of a recommendation that he/she be suspended without pay or a recommendation that his/her employment with the District be terminated.

Associated School Boards of South Dakota

Date Adopted: 4/13/2016

Policy Reference

Description

GCPD

SUSPENSION WITHOUT PAY AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

The School District is committed to the selection of quality staff and to providing a safe environment for students and staff. As part of that commitment, the district will obtain background checks on school employees and may obtain background checks on school volunteers or employees of contracted vendors pursuant to this policy and in accordance with state law.

EMPLOYEE CRIMINAL BACKGROUND CHECKS

Any offer of employment is contingent upon the satisfactory outcome of a criminal background check. The district has the sole discretion to determine whether the outcome of a criminal background check is satisfactory. In making a determination, the district:

1. Shall adhere to all applicable state laws that disqualify an individual from employment by a school district; and
2. May consider the conviction of any crime of moral turpitude; and
3. May consider any criminal conviction, including convictions not disclosed by an applicant.

An individual may be granted employment on a temporary basis pending the receipt of the results of a criminal background check. In the event that a temporary employee is determined to have an unsatisfactory background check, employment will be immediately terminated without notice or hearing.

This policy shall not apply to persons performing services for the district under the authority of the South Dakota High School Activities Association. This policy applies to all other employment agreements, whether written or oral.

INDEPENDENT CONTRACTORS AND VOLUNTEERS

Any organization that contracts with the district for service shall be required to certify to the district, in writing, that individuals employed by the service provider have been subjected to a criminal background check. At the discretion of the superintendent, this requirement may be waived if individuals employed by the service provider do not have contact with students.

The district may, at its discretion, require a criminal background check on any volunteer.

FINANCIAL BACKGROUND CHECKS

Any individual employed as the district's business official shall, prior to employment, be subject to a financial background check. A financial background check may include a credit check, financial delinquencies, corporate interests and any other examination of the individual's financial trustworthiness.

At the discretion of the superintendent or a designee, individuals applying for financially sensitive positions may be subject a financial background check prior to employment.

ADDITIONAL BACKGROUND CHECKS

The Superintendent is charged with developing recruiting and hiring procedures that ensure all district employees have been subject to relevant background checks, including education and employment history.

CONFIDENTIALITY

Information received as the result of this policy shall remain confidential and shall not be released to any other individual or entity.

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Associated School Boards of South Dakota

Date Adopted: 4/26/2012
Last Revised: 2/7/2013

Policy
PROFESSIONAL STAFF HIRING

Descriptor Code: GCD

All professional staff members of the district will be employed by the Board upon the recommendation of the Superintendent. Should a person nominated by the Superintendent be rejected by the Board, it will be the Superintendent's duty to make another nomination.

The Superintendent will assure that all persons nominated for employment meet state certification requirements and the qualifications established for the particular position.

Interviewing and selection procedures will assure that the principal or other administrator to be directly responsible for the work of the staff member has an opportunity to aid in his selection; however, the final recommendation to the Board will be made by the Superintendent.

All candidates will be considered on the basis of their merits, qualifications, and the needs of the district. In each instance, the Superintendent and others playing a role in the selection will seek to hire the best-qualified person for the job.

The District may offer and, upon the signing of a contract by both parties, pay a signing bonus, moving expenses, or tuition reimbursement to a teacher hired to teach in the District. The signing bonus, moving expenses, or tuition reimbursement may be paid either in one lump sum upon completion of the teacher's first year of employment in the District, or in installments over a period not to exceed three years from the date the teacher signed a contract of employment with the District, and upon the terms and conditions as may be mutually agreed upon by the School Board and the teacher. Any signing bonus, moving expenses, or tuition reimbursement authorized by the School Board is in addition to any amount payable under a negotiated teacher's contract. The School Board may, but is not required to, negotiate any signing bonus, moving expenses, or tuition reimbursement payment with the teacher's designated collective bargaining representative.

Upon approval by the Board, a teacher will receive a written contract to be signed by the teacher, Board president, and school district business manager.

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Associated School Boards of South Dakota

Date Adopted: 1/1/2007
Last Revised: 7/31/2015
Last Reviewed: 7/31/2015

Policy Reference	Description
GBA	<u>EQUAL OPPORTUNITY EMPLOYMENT</u>
GCB	<u>QUALIFICATIONS OF TEACHERS</u>
GCC	<u>PROFESSIONAL STAFF RECRUITING</u>

PART-TIME AND SUBSTITUTE EMPLOYMENT - PROFESSIONAL STAFF

PART-TIME TEACHERS

Upon the recommendation of the Superintendent, the Board will approve or reject the employment of part-time teachers consistent with the needs of the school district.

A part-time certificated teacher, if employed for the full school term, will attain continuing contract status the same as a full-time teacher.

Part-time teachers will meet all necessary certification requirements, and any non-unit part-time teachers will be compensated for their work on a pro-rated basis commensurate with their placement on their salary schedule.

SUBSTITUTE TEACHERS

The employment of substitute teachers will be centralized for the district in the office of the Superintendent. To the extent possible substitute teachers must meet the requirements for teacher appointments and will be assigned substitute teaching positions on the basis of their areas of competence. The Board will set the daily rate of pay for substitute teachers, including extended-term substitutes. The latter will be granted such additional benefits as approved by the Board.

Principals will assume responsibility for the scheduling of substitutes from the approved list as needed.

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Policy
HIRING RETIRED EMPLOYEES

Descriptor Code: GCF

The school board believes employing high quality personnel is the most effective way to provide students with a high quality education. As part of the district's efforts to employ highly qualified personnel, the district may employ retired individuals who receive benefits from the South Dakota Retirement System (SDRS).

If any retired individual seeking employment was most recently employed by the district, the following conditions shall be applied to the hiring process:

1. No formal or informal reemployment agreement of any kind shall exist between the district and any employee;
2. The district shall follow all retiree return-to-work procedures and time lines required by state and federal law; and
3. The district shall follow all policies and procedures governing the hiring of new employees.

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Associated School Boards of South Dakota

Date Adopted: 3/3/2011
Last Revised: 2/7/2013

Policy
PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Descriptor Code: GCI

Professional personnel will be assigned on the basis of their qualifications and the needs of the school district.

The assignment and transfer of teachers to positions in other schools of the district or within the teacher's assigned school will be made by the Superintendent giving consideration, but not limited to the following criteria:

1. The contribution that the teacher would make to students in the new assignment.
2. The qualifications of the teacher as compared to those of other candidates for the position to be filled.
3. The opportunity for professional growth.
4. The desire of the teacher regarding the new assignment.
5. The length of service in the school district.
6. The availability of a qualified replacement for the position vacated by the transferring teacher.

Any teacher who desires a transfer in assignment should request such a transfer in writing to the principal with a copy to the Superintendent. Every effort will be made to honor this request.

If a change of assignment is deemed necessary by the Board, then the new assignment will be as nearly similar to the desired assignment as possible. The teacher's contract will stipulate the area of certification for which the teacher is employed.

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Associated School Boards of South Dakota

Date Adopted: 1/1/2007
Last Revised: 2/7/2013

SUPPORT STAFF RECRUITING, POSTING OF VACANCIES & HIRING

The Board will establish and budget for support staff positions in the school district on the basis of need.

The recruitment and selection of candidates for these positions will be the responsibility of the Superintendent who will confer with the principals and other supervisors before making a selection. All candidates will be considered on the basis of their merits and qualifications, and on the needs of the school district. A present employee may apply for any vacancy for which he is qualified. The Superintendent will seek to recommend the best-qualified person for the job.

Conditions of employment for support staff members as well as wages, hours, and other items of this nature will be fixed by the Board upon the recommendation of the Superintendent.

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RETIREMENT SYSTEM

All regularly employed professional staff members are participants in the State Retirement System.

RETIREMENT AGE

The Board may not impose a mandatory retirement age on employees.

The Board reserves the right to retire an employee if the employee is unable to satisfactorily perform the duties of their position due to poor health or disability.

At the time of retirement, a severance amount calculated upon the employee's unused sick leave (not to exceed 30 days) and one-half the daily rate of pay for a substitute teacher will be granted to certificated employees.

OPTION TO CONTINUE WHOLE HEALTH COVERAGE FOR RETIREES

If you are an eligible retired employee, you may continue in the group health coverage or a retiree health benefits program offered by the school district and available to age 65.

Covered dependents can continue for as long as they remain qualified dependents. For more information, call the personnel office of the district.

Qualified dependents include your spouse, if not divorced or legally separated from you, and your children up to age 26.

Continuation of coverage may be terminated or denied for any of the following reasons:

1. Coverage under another health plan is acquired;
2. The contribution for continuation coverage is not paid on time;
3. Entitlement or enrollment in Medicare;
4. The district no longer provides group health coverage;
5. Your continuation period ends.

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Policy
SUPPORT STAFF LEAVES AND ABSENCES

Descriptor Code: GDBD

Leaves and absences granted to the support staff will be for the purposes of helping them maintain their physical health, take care of family and other personal emergencies, and discharge important and necessary obligations.

All requests for long-term leaves of absences will be submitted by the Superintendent, along with his/her recommendations, to the Board for its action.

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Associated School Boards of South Dakota

Date Adopted: 1/1/2007
Last Revised: 2/7/2013

Policy

Descriptor Code: GDPD

SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

The Board will strive to assist personnel to adjust to their positions and to perform their duties satisfactorily. Reasonable effort will be made to avoid dismissing personnel at any level.

When an employee is charged with misconduct, insubordination or unsatisfactory performance, they may be temporarily suspended by the Superintendent until the charges are investigated. If the charges are unfounded, the employee will be reinstated, if not, the employee will be disciplined.

If the employee is dissatisfied with the Superintendent's action, the employee may appeal to the School Board for a review of their case.

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Associated School Boards of South Dakota

Date Adopted: 2/9/2012

Policy
REDUCTION IN SUPPORT STAFF WORK FORCE

Descriptor Code: GDPA

The number of employees may be reduced due to a change in program, a change in the size or nature of the student population, or budgetary considerations. The Board will attempt to accomplish such a reduction through normal staff attrition, unless the best interests of the school district dictate otherwise.

In the event reduction of staff is necessary, seniority will be considered along with performance in determining employees who will be affected by either layoff or changes in position. Employees being terminated will be given a two-week notice.

Before a new employee is hired, a staff member whose employment has been suspended due to reduction in force will be given opportunity to return to work should the position be reinstated or other suitable vacancies open.

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Associated School Boards of South Dakota

Date Adopted: 1/1/2007
Last Revised: 2/7/2013

The School District will offer a Tax Sheltered Annuity Program intended to qualify under Section 403 (b) of the Internal Revenue Code for the benefit of its eligible employees.

The Board authorizes the Superintendent or Superintendent designee to administer the program, and act on behalf of the School Board to enter into salary reduction agreements, vendor agreements and take such steps as are appropriate to assure compliance with the Internal Revenue Service Code.

PARTICIPATION ELIGIBILITY

All full-time salaried and regular full-time employees of the School District are eligible to participate in the 403(b) program.

Each eligible employee may elect to reduce his or her salary in a specific amount by executing the salary reduction agreement provided by the District. The salary reduction agreement will specify the amount of the salary reduction for each eligible vendor selected.

The salary reduction agreement must specify the amount of the salary reduction, which the employee elects to have the District contribute toward the purchase of a qualified investment or an annuity contract on behalf of the employee. An employee's salary reductions for a calendar year may not exceed the maximum amounts specified in the Code.

SCHOOL DISTRICT RESPONSIBILITY

The Board will annually review the 403(b) program for nondiscrimination compliance.

All employees eligible for the district's 403(b) program will be notified of their eligibility upon employment and periodically provided the list of vendors to all eligible employees.

The Board makes no representation to the employee regarding the advisability, appropriateness or tax consequences of a salary reduction agreement, participation in a tax-sheltered annuity, or the company which issues the annuity contract or which invests the employee's salary reduction funds.

No action taken by the District under this program shall be construed to create a trust of any kind or a fiduciary relationship between the District and the employee, any designated beneficiary or any other person.

The board also makes no warranty or representation to the employee that any annuity contracts or investments offered by eligible annuity vendors are qualified under Section 403(b) of the Code or that salary reductions applied to the purchase of such annuity contracts will be excluded from the gross income of the employee under Section 403(b) of the Code.

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Policy
FREE AND REDUCED PRICE FOOD SERVICES

Descriptor Code: EFB

The District will take part, as feasible, in the National School Lunch Program and other food programs that may become available to see that all children in the District receive proper nourishment.

As required by law and regulations of the State, the Board will offer free and reduced price lunches and free milk to those qualifying children. In accordance with the guidelines for participation in these programs and the wishes of the Board, no child who a teacher believes is improperly nourished will be denied a free lunch, breakfast, milk, or other food simply because proper application has not been received from his parents or guardian.

The Superintendent will establish regulations that conform with requirements for participation in programs for free and reduced price meals and supplementary food. Such regulations will be reported to the Board as needed for its approval.

All financial records of these programs will be kept in a separate account by the treasurer.

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Associated School Boards of South Dakota

Date Adopted: 1/1/2007
Last Revised: 12/13/2012

The Superintendent may close the district schools or dismiss them early when hazardous weather or other emergencies threaten the health or safety of students and personnel. The Superintendent may delegate this authority to another staff member in the event of his/her absence.

Schools will not be closed merely to avoid inconvenience. However, the Superintendent may excuse all students from attending school, delay the opening hour, or dismiss students early. The Superintendent also has the responsibility to see that administrative, supervisory, and operational activity is continued to the extent possible. Therefore, if conditions affect only a single school, only that school will be closed.

In making the decision to close schools, the Superintendent will consider many factors, including the following principal ones that relate to the safety and health of children:

1. Weather conditions, both existing and predicted.
2. Driving, traffic and parking conditions affecting public and private transportation facilities.
3. Actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous.
4. Inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

The Superintendent will weigh these factors and take action to close the schools only after consultation with traffic and weather authorities, and local principals.

Students, parents and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closing. When schools are closed for emergency reasons, staff members will comply with Board policy in reporting for work.

If school is in operation and the buses do not operate in the rural area, teachers and administrators should realize that rural students are absent, not because of their choosing, and school work and related activities should be governed by this knowledge. If there are any concerns about this, teachers should consult with their building principals.

POSTPONEMENTS

Should inclement weather prohibit the operation of the Public Schools for any portion of a school day, all co-curricular activities will be cancelled with the exception of district or state contests (activities). In such situations, the officials responsible for such contests (activities) will decide if the contest (activity) is to take place and participation by students will be based on their decision. In such cases, the school principal will announce whether or not the contest (activity) will take place.

When the school has been closed due to the expectation of inclement weather, and the situation does not result in potentially dangerous travel conditions, the Superintendent or his designee, after consultation with school principals, will have the authority to waive the cancellation of co-curricular activities as described in the above paragraph.

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