

PRE-SCHOOL TERM AND POST-TERM DUTIES

Teachers may be required to perform pre-school term and post-term duties as set forth in the policies of the school district.

PHYSICAL FORCE

Superintendents, principals, supervisors, and teachers and their aids and assistants, have the authority, to use the physical force that is reasonable and necessary for supervisory control over students. Like authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses. SDCL 13-32-2

WORKMEN'S COMPENSATION

In the event a teacher is eligible for worker compensation disability benefits to compensate for lost wages, the teacher shall, at his/her option, receive either sick leave pay, or worker compensation pay. Should the employee choose to receive sick leave pay, a sick leave day shall be deducted during the period of absence and the amount of worker compensation salary benefits received by the employee shall be deducted from the employee's monthly paycheck. The employee shall keep the business manager informed as to the amount of salary benefits received through worker's compensation.

LOSS OF CLASSROOM TIME FOR TEACHERS AND STUDENTS

The Sanborn Central School District recognizes the rights for all to receive an education free from interruptions and the importance of teacher-student contact time. To eliminate loss of classroom time, the following will be used as guidelines:

1. Activities will be scheduled after school or on Saturdays whenever possible.
2. If a student must be absent for a school activity, the student will make up his/her work prior to leaving for the activity.

POLICIES FOR SELECTION OF MEDIA MATERIALS

I. Objectives of selection

The primary objective of the school's media center is to implement, enrich, and support the educational program of the school. It is the duty of the center to provide a wide range of materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view.

II. Responsibility of Selection of Materials

The ultimate responsibility for the selection of media resides with the Sanborn Central Board of Education. Selection of materials involves many people; principals, teachers, and media specialists. The Board and the Administration of the school delegate the actual selection of materials to the professional media staff whose training qualifies them to perform this function.

III. Definition of Terms

MEDIA: The term media includes books, periodicals, newspapers, pictures, maps, study prints, pamphlets, films, transparencies, recordings, slides, microfilm, filmstrips, cassettes, models, kits, and all other instructional resources and equipment.

MEDIA CENTER: Facilities provided for the housing, circulation, and use of the above materials and the equipment for their utilization in the classroom.

MEDIA SPECIALIST: An individual who has broad professional preparation in educational media, meets requirements for teaching and participates in instructional decisions.

FACULTY: The term faculty refers to all professional personnel such as teachers, media specialists, administrators, counselors, and other certified professional personnel.

SELECTION: The term selection includes the choice of new materials for purchase, determination of use to be made of gifts, and removal from the collection of materials, which may have become obsolete or inappropriate.

IV. Selection Procedures for the Media Center

Materials for media centers are selected by the professional media staff with due regard to suggestions from the staff, students, and parents. Final selection is made by the media specialists of the school in which the centers are housed. Professionally recognized resources, standard catalogs, and other selection aids are used by the media specialists to guide them in their selection.

In specific areas the media specialist follows these procedures:

1. Gift materials are judged by basic selection standards and upon acceptance of such items; the right is reserved to incorporate the gift into the collection only those meeting these specific criteria.
2. Multiple items of outstanding and much in demand media are purchased as needed.
3. Worn or missing standard items are replaced immediately if deemed necessary.
4. Out-of-date or no longer useful materials are withdrawn from the collection.
5. Sets of materials and materials acquired by subscription are examined carefully, and are purchase only to fill a definite need.

V. Criteria for Selection

Individual learning styles, the curriculum, and the existing collection are given first consideration in determining the needs for media in the school.

Materials for purchase are considered on the bases of:

1. Appropriateness for the learning level and understanding of students
2. Overall purpose
3. Timeliness and importance of contemporary society
4. Accuracy, presentation of subject, view point of author
5. Readability, literary merit, organization of material
6. Suitable physical format-size, paper, print, binding
7. Price
8. School needs and demands
9. Presentation of various interests and viewpoints
10. Reputation and significance of the author, artist, composer, producer, publisher
11. Availability in other local libraries

In applying the above guidelines for selection, it must be remembered that the media center cannot satisfy the needs and desires of one group at the expense of another. The media center does not act as an agent for or against a particular issue but maintains its position as a free channel of communication and uphold its right to select materials. The disapproval of an item by one group should not be the means of denying it to all groups, if by media selection standards it belongs in the collection.

VI. Procedure for Challenged Materials

Despite the qualifications of the person who selects the materials and the care taken to choose valuable materials for student and teacher use, occasional objections to a selection may be made by the public. The value and impact of any media will be judged as a whole, taking into account the author's intent rather than individual words, phrases, or incidents.

The principles of the freedom to read and of the professional responsibility of the staff must be defended, rather than the materials.

If a complaint is made, the procedures are as follows:

1. Be courteous, but make no commitments. Ask the complainant to fill out a simple complaint card (Exhibit T2-A) so that a response is assured. A conversation or a letter explaining the basis for selection will usually satisfy most complainants.
2. In the event that the complainant has not received satisfaction through the preceding means, he/she must file his/her objections in writing by filing out a Request for reconsideration form (Exhibit T-2B). At the same time, he/she will be provided with statement of the school district criteria for selection.
3. After an appropriate time for the evaluation of the materials in relation to the complaint, invite the complainant to an informal meeting to discuss the basis for the criticism with the media specialist, a representative of the administration, the Student Council President who will represent the student body, and a member of the faculty appointed by the administration.
4. If the complainant is not satisfied by this meeting, he/she may appeal to an appeal committee consisting of the media specialist, the principals, the superintendent or his/her representative, and a faculty member appointed by the administration. The material will be withdrawn from the media center pending a decision of the appeal committee. The appeal committee will:
 - a. Examine the material referred to as a whole, not passage pulled out of context.
 - b. Weigh strengths and weaknesses from opinions based on selection criteria and relevance to the curriculum.
 - c. Meet to discuss the material and prepare a report on it.
 - d. Notify complainant of the decision and send a formal report and recommendation to the district administrative office and the president of the Board of Education.
5. In the event that the complainant is not satisfied with the decision of the appeal committee he/she may pursue the matter with the Board of Education.

**EXHIBIT T2-A
COMPLAINT CARD**

Material Challenged: _____

Date: _____

Name: _____

Address: _____ Telephone: _____

Complainant represents: Him/herself _____ Organization _____

Reason for Complaint: _____

Took Form 2: Yes _____ No _____

Date Form 2 Returned: _____

Signature: _____

Disposition of Complaint: _____

EXHIBIT T2-B
CITIZEN'S REQUEST FOR RECONSIDERATION OF MATERIAL

Author: _____
Title: _____
Publisher or producer (if known): _____
Request initiated by: _____
Telephone: _____ Address: _____
City: _____ Zip Code: _____

Complaint represent:
_____ Him/herself
_____ Name of Organization: _____
_____ Identify Other Group) _____

1. To what in the work do you object? (Please be specific; cite pages or sections)

2. What of value is there in this work?

3. What do you feel might be the influence of this work?

4. For what age group would you recommend this work?

5. Did you study the entire work? _____ What pages or sections? _____
6. Are you aware of the judgment of this work by critics? _____
7. Are you aware of the education purpose in using this work? _____
8. What do you believe is the theme or purpose of this work?

9. What would you prefer the school do about this work?
_____ Do not assign or recommend it to my child.
_____ Withdraw it from all students.
_____ Send it to the media committee for re-evaluation.
10. What work would you recommend in its place that would convey as valuable a picture and perspective of a society or a set of values?

Do you wish to be present when the committee for reconsideration meets to discuss this material? Yes ___ No ___

Signature Date

COPYRIGHT POLICY

Issues resulting from the fair use of copyright materials continue to affect the school library media program. The issue of fair use of many materials is complicated by readily available and inexpensive duplication techniques. The library media specialists must adhere to and promote the legal and ethical use of copyrighted materials.

The Copyright Law, which became effective in 1976, addresses the principle of fair use in Section 107. Reproduction of copyrighted material is permitted for purposes as criticism, comment, news reporting, teaching (includes multiple copies for classroom use), scholarship, or research.

In determining fair use, four criteria must be considered:

1. Purpose and character of the use including whether the copied material will be for nonprofit, educational, or commercial use.
2. The nature of the copyrighted work. For example, photocopies made of newspaper or magazine articles are fair use rather than copies made of musical score or short story.
3. The amount and substantiality of the portion used in relation to copyrighted work as a whole. This requires consideration of (a) the proportion of the larger work that is copied and used and (b) the significance of the copied portion.
4. The effect of the use upon the potential market for or value of the copyrighted work. This factor is the most critical one in determining fair use.

Guidelines for Taping Broadcast Programming

Two critical limitations are:

1. Videotaped recordings may be kept for no more than 45 calendar days after recording date, at which time the tapes must be erased.
2. Videotaped recordings may be shown to students only within the first 10 school days of the 45 day retention period.

For more information on copyright laws consult the media specialist.

SCHOOL LIBRARY BILL OF RIGHTS FOR SCHOOL LIBRARY MEDIA PROGRAMS

The American Association of School Librarians reaffirms its belief in the Library Bill of Rights of the American Library Association. Media personnel are concerned with generating understanding of American freedoms through the development of informed and responsible citizens. To this end the American Association of School Librarians asserts that the responsibility of the school library media center is:

TO provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.

TO provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interests, abilities, socio-economic backgrounds, and the maturity levels of the students served.

TO provide materials that are for teachers and students that will encourage growth in knowledge, and that will develop literary, cultural and aesthetic appreciation, and ethical standards.

TO provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American and World heritage and culture, thereby enabling students to develop an intellectual integrity in forming judgments.

TO provide a written statement, approved by the local Board of Education, of the procedures for meeting the challenge of censorship of materials in school library media centers.

TO provide qualified professional personnel to serve teachers and students.

Adopted from "Policies and Procedures for Selection of Instructional Materials", Approved by the Board of Directors of the American Association of School Librarians at the ALA Midwinter Conference, Chicago, 1970.

AIDS POLICY FOR EMPLOYEES: SANBORN CENTRAL SCHOOL DISTRICT 55-5

1. The policy applies to all employees who are human T-lymphotopic virus type III antibody positive (HTLV-III) or who meet the clinical definitions of AIDS Related Complex (ARC) or AIDS Syndrome (AIDS).
2. Employee is defined in this policy to mean all persons hired by the school board, volunteers, and student teachers working in the district.
3. Employees with AIDS/ARC or HTLV-III antibody will be allowed to work for the Sanborn central School District 55-5, with the written approval of the employee's physician, in an unrestricted manner unless the school board documents reasons to exclude the employee.
4. One or more of the following conditions may require a more restricted environment or exclusion from work for the infected employee:
 - a. The person is physically unable to perform his/her job.
 - b. The disability poses a substantial possibility of harm to others.
5. The employee's immediate supervisor shall notify the superintendent of schools when an AIDS infected employee may require a restricted work environment or exclusion from the work force.
6. The superintendent of schools may request a medical evaluation of the employee's physical ability to perform his/her job or if the disability poses a substantial possibility of harm to others in the work place. During the evaluation period, the employee may be excluded from work by the superintendent of schools with full pay and benefits.
7. The school board will weigh the risks and benefits to both the employee and to others and make a final determination concerning the employment disposition of such employee.
8. An employee with AIDS/ARC or HTLV-III antibody who is determined by the school board not suitable for employment shall be eligible for sick leave benefits in accordance with the employee's contract.
9. An employee inflicted with the AIDS virus may experience immunodeficiency and is at increased risk of experiencing severe complications from such infections as chickenpox, tuberculosis, herpes, and measles. Assessment of the risk to the immunosuppressed employee of working in an unrestricted setting is best made by the employee who is aware of his/her immune status.
10. All employees shall immediately file written report with the superintendent of schools if they are exposed to AIDS-contaminated blood or body fluid during the conduct of their duties.
11. Information concerning employees with AIDS/ARC or HTLV-III antibody shall be kept in strict confidence by school personnel.

EMPLOYEE COMMUNICABLE DISEASES

The school board recognizes its responsibility to provide a clean, safe, and healthy working environment for its employees. We also recognize that working together in social community employees may be exposed to a variety of communicable diseases, which may affect their personal health. To protect the health of every employee, and to allow a continuous work experience for all staff members, the following procedures and guidelines will be used to determine the continuing employability of an infected employee. (Check with current Communicable Disease Guidelines)

- A. Once a physician has determined that an employee has been infected with a communicable disease, a decision as to the continued employment or exclusion from work activities will be made by the superintendent or his/her designee. Each case will be addressed on an individual basis using the guidelines and such professional medical advice as is deemed necessary by the administrator.
- B. In situations where the decision requires additional skill and knowledge, the superintendent will refer the case to an advisory committee for assistance in determining the proper course of action. The superintendent or designee will be responsible for establishing the advisory committee, which will include:
 1. Building principal or designee
 2. School/County nurse
 3. Superintendent or designee

The advisory committee may also include the following:

1. Representation from the State Department of Health
2. The employee's personal physician
3. Other appropriate medical personnel as deemed necessary

The advisory committee shall consider the following in their deliberations:

1. The type and severity of the communicable disease
2. The potential risk to the infected employee and other staff members
3. The expected type of interaction with others in the school setting
4. The physical condition of the school employee
5. The status of certification of the employee as is promulgated in SDCL 13-43-3 and SDCL 13-43-3.3
6. Information regarding the infected employee who is deemed part of his/her personnel records, classified as "confidential" as require by SDCL 1-17-3.

The advisory committee may officially request assistance and a recommendation from the State Department of Health.

- C. If the employment of an infected employee is to be interrupted or discontinued, the employee will be entitled to use available medical leave and receive established benefits.
- D. Public information about the infected employee will not be released except as is determined by the committee to be advisable in maintaining appropriate employee safety and working relationships.
- E. If an infected employee is permitted to remain in the school setting, information regarding the employee's medical condition needed for consideration in carrying out assigned job responsibilities will be provided, as appropriate, to school employees who have contact with the individual.
- F. Staff members assigned to work with an employee suspected of being infected with a communicable disease, or those having a confirmed infection, will be given instructions in handling blood and body fluids. Staff members so assigned will observe recommended personal hygiene measures in order to create and maintain a healthy environment.

SCHOOL ACTIVITIES REQUIRING USE OF EYE PROTECTION DEVICES

Every pupil and teacher in the district participating in any of the following:

1. Vocational or industrial art shops or laboratories involving use of or exposure to:
 - a. hot metals;
 - b. milling, sawing, turning, shaping, cutting or stamping of any solid metals;
 - c. heat treating, tempering, or kiln firing of any kind of metal or other materials
 - d. gas or electric welding;
 - e. repair or serving of any vehicle;
 - f. caustic or explosive materials.

are required to wear industrial quality eye protective devices at all times while observing or engaging in any such activities.

The district shall purchase industrial quality protective eye devices for use by students, teacher, and visitors to such classrooms or laboratories.

OUT OF DISTRICT TRANSPORTATION POLICY

When it becomes necessary to attend a function out of district a request in writing will be forwarded to the transportation supervisor. A school vehicle will be provided for those activities based on criteria.

1. Who ever is traveling the farthest distance.
2. First come request if the distance traveled is the same.
3. Availability of a vehicle. If a vehicle is not available then the district will pay state rates on mileage.
4. If a vehicle is available, but the individual chooses to drive his/her own vehicle then a rate of six (6) cents a mile will be reimbursed by the district.

A fuel credit card may be checked out through the business office. The responsibility to return the card is on the driver of the vehicle. All credit card purchase receipts must accompany the return of the card.

EMPLOYEE CRIMINAL BACKGROUND CHECK

(Adopted 8-14-2000)

Section 1: Purpose.

The Sanborn Central Board of Education has initiated this policy in order to be in full compliance with SDCL 13-10-12, 22-1-2(19), 22-22-30, and 22-1-2(25).

Section 2: Definition.

A "disqualifying record" means any conviction of a crime of violence as defined in SDCL 22-1-2(19), a sex offense as defined in SDCL 22-22-30, or trafficking in narcotics, or conviction of any crime of moral turpitude as defined by SDCL 22-1-2(25). However, the Sanborn Central Board of Education reserves the right to review a "disqualifying record" on a case-by-case basis. Also, any criminal conviction not disclosed by an applicant may be treated as a "disqualifying record". Moreover, ANY criminal conviction may be considered in making a hiring decision.

Section 3: Provisions.

It is the policy of the Sanborn Central Board of Education to only employ individuals who do not possess a "disqualifying record". Each offer of employment is subject to the provisions of SDCL 13-10-12, et seq., relating to criminal background investigations. This policy shall apply to all individuals employed after June 30, 2000, and thereafter. An employee is any person the school system lists on its payroll and makes payroll deductions pursuant to federal law.

Section 4: Final Applicants.

Each individual considered as a final applicant for employment shall be provided with a copy of this policy and a certification form for completion by the local law enforcement agency. Attached to the certification will be a fingerprint identification card (approved by the South Dakota Division of Criminal Investigation). This card is addressed to the above-named agency at 500 East Capitol Avenue, Pierre, South Dakota, 57501. The FINAL applicant shall take the fingerprint card, the policy, and the addressed, stamped envelope to a law enforcement agency and submit himself/herself to the fingerprinting process. The final applicant is fully responsible for any fees assessed before/during/after this process.

Section 5: Temporary Employment.

Any person granted employment subject to this policy is employed on a temporary basis until such time as the Criminal Background Check is completed and a "no disqualification report" is filed with the Superintendent of the Sanborn Central School District.

Section 6: Financial Details.

Any applicant for employment subject to this policy shall provide to the law enforcement agency performing the fingerprinting process a check or money order in an amount necessary to cover the costs of the criminal record check (currently that fee is \$39.00). The applicant shall be reimbursed the cost for such background check in each instance where there is no disqualification record (regardless of whether the applicant is employed by the school district).

Section 7: Applicability.

This policy is not applicable to persons performing services related to the South Dakota High School Activities Association (SDHSAA).

Section 8: Scope of Policy.

This policy applies to all other employment agreements, whether written or oral.

POLICY PROHIBITING SEXUAL HARASSMENT

It is the policy of the Sanborn Central Board of Education to prohibit sexual harassment of its employees, students, and guests of the District by a person and in any form. All employees, students, and guests should be able to enjoy a work and learning environment free from all forms of discrimination, including sexual harassment.

Sexual harassment is defined as words and actions, which tend to annoy, alarm, or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose. Sexual harassment is a specific type of harassment and the type discussed within this policy. Examples of sexual harassment include, but are not limited to: (a) unwelcome sexual flirtations, advances or propositions; (b) verbal abuse of a sexual nature; (c) graphic verbal comments about an individual's body; (d) sexually degrading words used to describe an individual; (e) displaying of pornographic material; and, (f) inappropriate physical contact or language of a sexually suggestive nature.

Any individual who believes that he/she has been, or is being subjected to sexually harassing conduct, should immediately report it to the school administrator (e.g. school counselor, principal, superintendent). This report initially may be made verbally or in writing, but if made initially verbally the individual making the complaint must submit a written complaint which includes: (a) the name of the person making the complaint; (b) the person(s) alleged to have sexually harassed the complaining party; and, (c) the date(s) and nature (description) of the sexual harassment.

The individual making the complaint should also request a copy of the full Sexual Harassment Policy from the school district's administrator. (Found in School Board Section of Policy Handbook beginning on page B-8.)

MILITARY LEAVE OF ABSENCE

(Adopted 3/26/2003)

Employees are entitled to military leave under the Uniformed Services Employment and Reemployment Act of 1994. The Act applies to military service that began on or after December 12, 1994 or military service that began before December 12, 1994 if the employee was a reservist or National Guard member who provided notice to the employer before leaving work.

Reemployment rights extend to persons who have been absent from work because of "service in the uniformed services." The uniformed services consist of the following military branches: Army, Navy, Marine Corps, Air Force, or Coast Guard. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve. Army National Guard or Air National Guard. Commissioned corps of the Public Health Service. Any other category of persons designated by the President in time of war or emergency.

"Service" in the uniformed services means duty on a voluntary or involuntary basis in a uniformed service, including:

- o Active duty.
- o Active duty for training.
- o Initial active duty for training.
- o Inactive duty training.
- o Full-time National Guard duty.
- o Absence from work for an examination to determine a person's fitness for any of the above types of duty.

The employee may be absent for up to five (5) years for military duty and retain reemployment rights. There are, however, exceptions which can exceed the five (5) year limit. Reemployment protection does not depend on the timing, frequency, duration or nature of an individual's service. The GARID law enhances protections for disabled veterans including a requirement to provide reasonable accommodations and up to two (2) years to return to work if convalescing from injuries received during service or training.

Employment Protection

The returning employee is entitled to be reemployed in the job that he/she would have attained had he/she not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. If necessary, the employer must provide training or retraining that enables the employee to refresh or upgrade their skills so they can qualify for reemployment. While the individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

Health Benefits

Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 18 months at the full premium cost plus normal increases in premium. For military service of less than 31 days, health care coverage is provided as if the individual had never left. After notification by the employee to the school district of Military activation of more than 30 days, the school district shall inform the employee of the health benefits available under "COBRA" and furnish the employee with the enrollment forms for "COBRA".

Upon entering active military duty for more than 30 days, the individual and dependents are covered by what the military calls "Tri-Care". There are several different plans that are offered which offer different levels of managed care. The most managed of the plans are at no cost to the service member. Not all medical costs are covered by "Tri-Care". It is not possible to make a recommendation in this document that will be best for every individual.

If an employee leaves and enters active duty for more than 30 days and discontinues health coverage for themselves and the employee's dependents, and the employee returns to the school district in the time frame stated in this document, they are entitled to have.

Retirement Benefits

A participating SDRS member called to active duty will continue to earn credited service in SDRS while serving in the armed forces if he or she meets the following requirements:

- o Secures authorization in advance from his/her employer for a leave of absence for military service
- o Returns to the employment of an SDRS participating unit within one year of discharge from his/her initial period of military service
- o Remains in the employment of that same employer for at least one year upon his/her return
- o This credited service does not require a contribution from either the employer or employee.

Survivor and Disability Benefits

The continuation of SDRS survivor and disability benefits, however, depends upon the continued classification of an employee as contributing SDRS member during his/or her leave of absence. To meet this requirement, both the employee and employer contributions must be made to the system in at least four ways.

1. An employer may make both employee and employer contributions to SDRS which is allowed under SDCL 3-12-85.
2. The employer may compensate the employee for vacation, sick and other accumulated personal leave at something less than 40 hours per week. This method will extend the period of compensation allowing contributions to continue which will have the effect of continuing SDRS survivor and disability benefits until all personal leave is exhausted.
3. An employee may make the full employee and employer contributions to the system during his/her leave of absence.
4. Employers and employees may develop a method that combines Options 1, 2, and 3.

Defining the Status of Temporary Replacements

To be a member of SDRS, an employee must be a "permanent full-time employee". SDCL 3-12-47(54) specifies three criteria that must be met before an employee is considered permanent and full-time. He or she must:

- o Be placed in a permanent classification
- o Work 20 or more hours per week
- o Work six months or more per year

In general, temporary replacements will not meet these criteria and, therefore, are not eligible for membership in SDRS. No one knows, however, how long any call-up will last. Consequently, it is possible that if the call-up is for an extended period of time, temporary replacements may become permanent employees as set forth in SDCL 3-12-47(54). For temporaries working 20 or more hours per week, this point may come after six months of employment. As your temporary employees approach this length of service, please contact SDRS to discuss this situation.

Individuals must provide advance written or verbal notice to their employers for all military duty. Notice may be provided by the employee or by the branch of military in which the individual will be serving. Notice is not required if military necessity prevents the giving of notice; or, the giving of notice is otherwise impossible or unreasonable.

Accrued vacation or annual leave may be used (but is not required) while performing military duty. The individual's timeframe for returning to work is based upon the time spent on military duty.

RETURN TO WORK OR APPLICATION FOR REEMPLOYMENT

Less than 31 days: Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.

More than 30 but less than 181 days: Must submit an application for reemployment within 14 days of release from service.

More than 180 days: Must submit an application for reemployment within 90 days of release from service.

The individual's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. Documentation showing eligibility for reemployment can be required. The employer has the right to request that an individual who is absent for a period of service of 31 days or more provide documentation showing:

- o The application for reemployment is timely;
- o The five-year service limitation has not been exceeded; and,
- o Separation from service was under honorable conditions.

If documentation is not readily available or it does not exist, the individual must be reemployed. However, if after reemploying the individual, documentation becomes available that shows one or more reemployment requirements were not met, the employer may terminate the individual, effective immediately. The termination does not operate retroactively.

Once the employee has made application for re-employment the employee is entitled to employment and benefits as if the employee had never left. For example, a teacher makes application for re-employment on June 1 (after school is out). If you normally pay the single premium health for the other employees during the summer, you will need to reinstate the returning employee and pay the single premium. If the employee has family coverage, they are responsible for that payment.

Questions should be directed first to Employer Support of the Guard and Reserve for an informal resolution at 605-737-6785 and then to Veterans' Employment and Training Service, U.S. Department of Labor at 605-626-2325.

Legal Ref.: SDCL 3-12-47(54),
Uniformed Services Employment and Reemployment Act of 1994

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

STAFF REDUCTION AND RECALL PROCEDURES

In the event the School District's Board of Education determines that a staff reduction is necessary, the following procedures will be observed – in the order listed.

1. An effort shall be made to effect the reduction through normal attrition.
2. Positions held by persons with less than full certification for their current teaching assignments (defined as a holder of Authority to Act as a Substitute or Limited Certificate), shall be deemed open if the position is desired by a fully certified teacher who has been notified that that teacher's position has been reduced.

3. In the event that a teacher's position is terminated due to staff reduction, the Board of Education will determine which teachers are to be released using the following criteria: (a) student needs; (b) performance evaluation; (c) accreditation standards (state, federal and NCA); (d) certification endorsements; and, (e) professional preparation and experience in this or similar position.
4. For the purpose of the policy, the effective date of the recall privileges shall be from the date of the final Board action on non-renewal based upon a reduction-in-force to the end of the fiscal year (June 30th). If, during this time a vacancy occurs in the grade, subject area and activities in which a teacher whose contract was non-renewed as a result of a reduction-in-force had been teaching or is qualified to teach, re-employment shall be extended to the teacher. When more than one staff member has recall privileges through the same fiscal year, and is qualified for the open position, the Board may consider, among other things, recommendations of administrative staff, qualifications, years of service and education background, in selecting the person to be hired. A recalled teacher shall retain previously accumulated sick leave benefits and retain their previous position on the salary schedule.
5. Recall privileges shall cease when a member resigns. Recall privileges will also cease if upon being recalled the staff member fails to report within twenty (20) calendar days after the mailing of a written notice of recall. Such notice shall be sent by certified mail to the last address furnished to the Superintendent by the staff member, and this twenty (20) day period shall commence the day the notice is mailed. Recall privileges will not apply to teachers under contract with another school district.

SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

SUSPENSION AND DISMISSAL

The Board recognizes the inadequacies of "crises reaction" and the importance of expert legal counsel in the area of suspension and dismissal for any employee. In the event of an emergency situation, the employee may be suspended by the Board of Education, with pay, from responsibilities, pending a hearing in executive session before the Board. The Board hearing will be held within fourteen (14) days of the notice of suspension being received by the employee. Upon mutual agreement of the employee and Board, the time frame in which the hearing shall be held may be extended. At the Board hearing, the Board shall receive such evidence as may be presented by the Superintendent and the teacher. Both parties shall have the right to representation at the hearing. Based on the evidence at the hearing, the employee may be reinstated, or the contract of the employee may be terminated pursuant to SDCL 13-43-6.1. Should an employee be suspended with pay, it is done for the purpose of maintaining a proper learning environment for students. The notice of suspension shall include the reason for suspension and the date, time and location of the Board hearing relative thereto.

NON-RENEWAL/TERMINATION OF TEACHING CONTRACT

Procedures for non-renewal and termination of contracts of certified staff employees as set forth in SDCL 13-43 shall be followed by the Board/District