

**SCHOOL BOARD**

- A. Development and Use of Policies:  
Members of the School Board believe that a written policy, rules or regulations, should be adopted only when it appears to be essential to the control and administration of the school program.

These policies may be revised, added to, or amended at regular or special meetings of the School Board by a majority vote of its members. Prior to any final action on any policy, the proposed policy shall be addressed at the Board meeting held immediately prior to the Board meeting at which action is taken, for the purpose of explaining the proposed policy.

- B. The Board is the elected body created according to the laws of the state to serve as the governing Board of the district for the purpose of organizing, maintaining, and locating schools and for providing educational opportunities and services for all citizens residing within the school district. While the Board is charged by the state with the responsibility for providing educational opportunities for the children of its schools and also charged with directing public school activities, a planned pattern of authority is observed by the Board. In fulfilling its obligations, the Board acts similarly in its relationships to the school, as do boards of directors to successful business organizations, that is, through legislation. The direct administration of the school system is delegated to the superintendent of schools whom the Board appoints to act as executive officer for the execution of all its policies.

- C. The Board shall consist of seven members whose terms shall be from one to three years initially, and three years thereafter. The Board shall elect its own officers annually at the statutory meeting in July and makes its own rules and regulations subject to the laws of the State of South Dakota and the federal government.

- D. Business must be transacted during official meetings of the Board. The Board can transact business that is binding on the district only when it is in an official meeting with a quorum present and proceedings recorded in the minutes of the meeting.

The Board shall go into executive session only for those reasons stated in SDCL 1-25-2.

- E. The regular meetings of the Board shall be the second Monday of each month, and notice of the meetings shall be given to the public as set forth in SDCL 1-25-1.1.
- F. Special meetings may be held upon the call of the President, or in his\her absence by the Vice-President or by a majority of Board members. The business manager shall give notice of special meetings to the Board members, either orally or in writing in sufficient time to permit their presence.
- G. The School Board retains full legislative and judicial authority over the school in accordance with the school laws and expressed will of the electorate, but delegates executive, supervisory and instructional authority to its employees as set by practices and policies.
- H. Duties of the President: It shall be the duty of the president to preside at all meetings of the School Board, to appoint committees when needed, to sign all warrants, official minutes, reports, contracts, and all other legal documents pertaining to school business.

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- I. Employment of personnel: The Board is the employer for the district, and in this capacity, it has the sole authority to issue employment contracts for all employees within the district, to terminate the contracts on behalf of the district, and to suspend employees. The above employment actions may be taken upon the recommendation of the superintendent or other administrator. Applicants for employment within the district are to be advised, in writing, during the interview process that should the applicant be recommended for employment by the administration and receive an unsigned contract for the applicant's review, the applicant's signature on the contract document constitutes an offer to be employed by the applicant, and the Board action hiring the applicant constitutes Board acceptance of the offer; **THE ADMINISTRATION DOES NOT HAVE LEGAL AUTHORITY TO HIRE EMPLOYEES, AS THAT AUTHORITY HAS BEEN GRANTED ONLY TO THE SCHOOL BOARD.**
- J. An annual audit shall be made of all school records.
- K. Schools are maintained for all children of legal age residing within the district. The Board will accept as tuition students, children from other districts as long as facilities are available, at the legal rate of tuition, unless such tuition has been waived by both districts involved or as otherwise negotiated.
- L. The following shall be the order of business of the regular meetings: approval of the agenda subject to additions and/or deletions relative thereto, approval of minutes from previous meetings, audience with individuals or groups wishing to make reports or requests (the Board may limit the amount of time afforded each), approval of business manager's monthly report and approval of bills, unfinished business, new business, discussion items, adjournment.
- M. No policy of the Board shall be operative if it is found to be in conflict with state law.
- N. A complete and accurate set of minutes of each Board meeting shall be kept and published complying with all statutory requirements. The unapproved minutes shall be published in the official newspaper of the district within 20 days of the Board meeting.
- O. An official depository for school funds shall be designated at the annual meeting in July.
- P. An official newspaper in which all Board proceedings are published shall be designated at the annual meeting in July.

**PUBLIC RECORDS**

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The only public records that are open to the public are those that are required by statute to be kept: Board minutes, contracts, Board policies, published budget, financial records of the business manager, special clearing account records of the school district, insurance policies, securities held, bids, inventory of personal property and fixed assets and deeds to property. All of these records are on file in the business manager's office, secretary's office, or kept in the safety deposit box at the local bank. There is no law to allow for copying, but only that these items are open to review. Deubrook has allowed copying of some items at the copier's expense in a common sense approach to cooperate with the general public. We ask that people make the request during normal business hours and when someone is available to help.

Student records, Special Education records, and personnel records are not open to the public.

**EQUAL OPPORTUNITY EMPLOYMENT**

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The Board subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that applicants are employed, assigned, and promoted without regard to their age, race, creed, color, sex, marital status, political affiliation, or national origin. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

**LEGAL REFS:** Civil Rights Act of 1964, as amended in 1972; Title VI; Title VII Executive Order 11246, 1965, as amended by Executive Order 11375 Equal Employment Opportunity Act of 1972; Title VII Educational Amendments of 1972, Title IX (P.L. 92-318) 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975); Rehabilitation Act of 1973; Americans With Disabilities Act, July 26, 1990; SDCL 13-43-17 through 13-43-25.1

**EQUAL EDUCATIONAL OPPORTUNITIES**

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All students of the district will have equal educational opportunities. The Board will not discriminate on the basis of race, color, creed, religion, sex handicap, economic status, national origin, or ancestry in its policies or programs.

To accomplish this policy on nondiscrimination, the Board will make every effort to provide all students equal access with respect to admission or membership in school-sponsored organizations, clubs, or activities; access to facilities; distribution of funds; academic evaluations; or other aspect of school-sponsored programs or activities.

The Board recognizes, however, that in implementing this policy children vary widely in capabilities, interests, and social and economic background, and that no two children can be treated exactly alike if the fullest development of each is to be achieved.

**LEGAL REFS:** Civil Rights Act of 1964, as amended in 1972; Title VI; Title VII Executive Order 11246, 1965, as amended by Executive Order 11375 Education Amendments of 1972; Title IX (P.L. 92-318) 45 CFR, Parts 81, 86 (Federal Register, June 4, 1975, August 11, 1975); The American Disabilities Act, July 26, 1990; Education for All Handicapped Children Act (P.L. 94-142); Section 504 of the Vocational Act of 1973; SDCL 13-28-5; 13-28-6; 13-28-14

**FAMILY AND MEDICAL LEAVE  
(Professional Staff)**

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The district shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The superintendent shall administer leave policies adopted by the Board, setting forth the rights and procedures granted by the Act, and shall ensure compliance with those policies either personally, by delegation, or by some combination of personal oversight and delegation. An eligible employee must have been employed by the district for at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) months.

**LEG. REF.:** P.L. 103-3, "Family and Medical Leave Act of 1993."

**FAMILY AND MEDICAL LEAVE (FMLA Leave)  
(Professional Staff)**

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An eligible employee is entitled to up to a combined total (paid and unpaid) of twelve (12) weeks of FMLA Leave per year for:

1. The birth and first year care of a child;
2. The adoption or foster placement of a child;
3. The illness of an employee's spouse, parent, or child; or
4. The employee's own illness.

The employee must first use and count all available accrued paid leave, including vacation, sick leave, and personal leave, before using the unpaid leave. During the period of FMLA Leave, the employee is entitled to the continuation of all fringe benefits. Employees will still earn sick days and vacation days while on FMLA Leave. The district will continue to pay its portion of the health insurance, and it will be the employee's responsibility to continue to pay for his or her portion. Upon return to work, the employee will be entitled to his or her same position or an equivalent position with equivalent pay, except that return to work during the last two (2) or three (3) weeks of a semester is subject to certain restrictions. See special rules below.

In the case of birth, adoption or foster placement, the FMLA Leave entitlement for child-care ends after: (1) the child reaches the age of one, or (2) 12 months after adoption or placement. FMLA Leave to care for a child would include leave for a stepparent or a person in loco parentis.

In cases where both spouses are employed by the district, the combined amounts (both employees) of FMLA Leave for birth, adoption or foster placement, or family illness is limited to twelve (12) weeks. Personal illness is not limited to this combined total.

The district, at the request of the employee, may agree that the employee may take leave intermittently or on a reduced hours basis in connection with the birth, adoption or foster placement of a child. This is subject to the recommendations of the administrator or supervisor and is at the request of the employee.

When FMLA Leave is in connection with birth, adoption or foster placement, and is foreseeable, the employee must provide at least thirty (30) days notice of the date when FMLA Leave is to begin. When FMLA Leave is in respect to family or employee illness that is foreseeable, the employee must make a reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as to not unduly disrupt the operations of the district.

In case of employee illness, in addition to current sick leave policy requirements, the district may require the employee to provide certification by his or her health care provider that the employee is able to return to work and is able to meet the essential functions of the job.

If an employee fails to return to work after the leave period has expired, unless the absence is due to continued family or personal illness or other circumstances beyond the employee's control, the district will require the employee to reimburse the district's share of the health insurance premiums paid while the employee was on FMLA Leave.

**Special Rules:**

1. **Rules Applicable to Instructors in Periods Near the Conclusion of an Academic Term (School Semester).** The following rules apply to any employee who takes FMLA Leave under this policy and who is employed principally in an instructional capacity:

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- a. If FMLA Leave begins more than five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that academic term if:
    - (1) The leave is of at least three (3) weeks duration; and
    - (2) The return to work would occur during the three-week period before the end of the academic term.
  - b. If FMLA Leave begins within the five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that term, if:
    - (1) The leave is of more than two (2) weeks duration; and
    - (2) The return to work would occur during the two (2) week period before the end of the academic term.
  - c. If FMLA Leave begins within three (3) weeks before the end of the academic term, the principal may require the employee to continue taking leave until the end of that term, if the leave is for more than five (5) working days.
  - d. If the school system requires a teacher to extend leave under these rules, the extended leave is counted against the teacher's FMLA Leave allotment. If the teacher's FMLA Leave allotment expires during the extension, the additional time is nevertheless deemed FMLA Leave.
2. Questions on these special rules should be addressed to the superintendent or designee.

The superintendent or designee will work individually with an employee who wants to apply for FMLA Leave. FMLA request forms are available from the central office.

**LEGAL REF.:** P.L. 103-3, "Family and Medical Leave Act of 1993."